Province of British Columbia

CRIMINAL JUSTICE BRANCH

Annual Report

April 1, 2005 – March 31, 2006

BRITISH COLUMBIA

Ministry of Attorney General

DOC
BC
C72
B
2005/06
c.3

LEGISLATIVE LIBRARY
VICTORIA B.C.
DEC 12 2006

LEGISLATIVE LIBRARY OF BRITISH COLUMBIA
3 3298 00336 3315

Province of British Columbia

CRIMINAL JUSTICE BRANCH

Annual Report

April 1, 2005 – March 31, 2006

CONTENTS

Criminal Justice Branch Annual Report 2005 – 2006

Message from the Assistant Deputy Attorney General 2

Overview 4
Vision of the Criminal Justice Branch 4
Criminal Justice Branch
Statement of Purpose and Principles 5
Highlights of 2005 - 06 6
History of the Criminal Justice Branch 8
Mandate of the Criminal Justice Branch 9
Role of Crown Counsel 10
Prosecutorial Environment 11
Criminal Justice Branch Planning 13
Planning Committees 15

Operations 18
Restorative Justice: Providing Alternatives to the Courts .18
Drug Treatment Court and Recidivism 19
Street Crime Working Group Reports Out 19
Sex Offender Information Registration Act (SOIRA) 20
Branch Policy Revision Project 20
Implementing Bill C-2 21
High-Risk Offenders Identification Program 24
Prevention of Miscarriages of Justice 25
Youth Justice 26
Criminal Justice Branch Correspondence 26
Law Reform 27
Information and Privacy 27
Guatemala Project a "Star" 28
"Vic" Joins the RCMP at Presentation Ceremony 30
The China Project 31

Technology 32
Litigation Management System Project 32
Information Security: Two-Factor Authentication 32
JUSTIN: Justice Information System 33
CJB Intranet Publishing Project 33

Map of CJB Regions with Court Locations 34

Regional Reports 35
Headquarters 35
Region 1 39
Region 2 42
Region 3 50
Region 4 57
Region 5 60
Criminal Appeals & Special Prosecutions 66

Branch Developments & Human Resources 70
CJB Professional Development: Fulfilling a Vision 71
2005 New Crown Counsel Conference 72

2007-01347/

Appellate Primer 72
May 2005 Spring Crown Counsel Conference 73
Administrative Support Staff Conferences 77
Office Managers Conference 77
2005 Fall Leadership Conference 78
Staff Appreciation and Awards 81
Planning Committee Members 2005 – 06 85
Criminal Justice Branch Long Service Recognition 87
Provincial Government Long Service Awards 87
2005 – 06 Queen's Counsel Appointments 88
2005 – 06 Judicial Appointments 89
Articling Student Program 89
2005 – 06 Retirements 90

In Memory 95
The Honourable Mr. Justice James D. Taylor 95
Robert W. Gourlay, QC 97
Remembering Allan Roth Adlem 99

Prosecutorial Services 100
Reports to Crown Counsel Received from Police 100
Figure 1: Total RCCs and Accused Received for Charge Assessment 100
Charge Assessment Decisions 101
Figure 2: Charge Assessment Results 101
Alternative Measures Referrals 102
Charge Assessment Results Data 102
CJB Statistical Information Conclusion 102
Significant Cases 103

Financial Summary 105

Business Plan Achievements 106
Summary of Performance and Achievements 106

Appendix A:
Public Education and Community Outreach 111

Appendix B:
Crown Counsel Act 122

Appendix C:
CJB Business Plan 2005/06 – 2007/08 126

Appendix D:
Criminal Justice Branch
Assistant Deputy Attorney Generals 129

Appendix E:
Ministry of Attorney General:
Vision, Mission, Culture & Values Statement 131

message from the assistant deputy attorney general

I am pleased to report on the performance of the Criminal Justice Branch during 2005–06, a year in which the branch has been particularly active—on local, national and international stages.

This report encapsulates the great strides that all of our employees—Crown counsel and prosecution support staff—have made during the past year in achieving our business plan goals and objectives.

With a multitude of challenges facing us, the branch has worked with our justice partners to strengthen collaborative efforts and to leverage limited resources to ensure we are as effective as we can be.

In discussions with the federal Department of Justice, we have informally agreed to the concept of joint prosecution teams in appropriate organized crime files.

April 2005 saw the creation of an organized crime prosecution unit, which has already begun to prosecute alleged criminal organizations and is taking on more such serious cases working in cooperation with our partners in the policing community and the Department of Justice.

As well, through our Crown-Police Liaison Committee, hard work has resulted in a Memorandum of Understanding, signed with all provincial policing agencies, to set up a cost of disclosure protocol that will put an end to a difficult issue. Our Letter of Understanding with the Ministry of Attorney General's Legal Services Branch is being finalized with the aim of regulating the relationship of our two branches within the ministry when we deal with third party requests for access to Crown counsel files for the production of evidence in civil proceedings.

We enhanced our outreach program with the signing a Memorandum of Understanding with the Law Courts Education Society (LCES) to formalize and expand the law courts student education program, and creating public education opportunities to foster public understanding of, and confidence in, our Canadian justice system.

At the national level, through the federal-provincial-territorial Heads of Prosecution committee (HOP), the branch met three times in the past fiscal year—Regina in May, Halifax in November and Toronto in March. HOP agenda items are numerous and varied, such as combating counterfeiting and human smuggling, and managing mega cases. The underlying theme of HOP business is how the prosecution services throughout Canada can share information, people and resources to develop best practices on the national stage and, where possible, engender common methods for problem-solving or policy development.

As well, a branch priority is to seek a national consensus on the management of warrant expiry date offenders (WED). These offenders serve their full sentence with no parole because they are viewed as being too dangerous to manage in the community. To protect the community, Crown counsel seek *Criminal Code* section 810.1 and 810.2 orders so no WED offenders are released without either an order being in place against them, where appropriate, or their being placed on bail terms pending a hearing. Further work still needs to be done to fine-tune our agreement but most provinces and territories are supportive of this initiative.

On the world stage, we continue with our membership in the International Association of Prosecutors (IAP). Our own Wendy Stephen, QC, is a director of this group along with two of our Canadian colleagues, Daniel Bellmare, QC, Assistant Deputy Attorney General of the Federal Prosecution Service, Department of Justice Headquarters; and Martin Herschorn, QC, the Director of Public Prosecutions, Nova Scotia. We are the only country in this world body with three representatives, with Daniel Bellemare as vice president.

From an internal perspective, our strong commitment to planning continues to define where our resources, both human and financial, need to be focused.

As a priority, the branch is taking significant steps to address the four pillars of security as they relate to our people, human resources,

technology and facilities. We will be taking a leadership role within the ministry to ensure a safe work environment for all branch members.

With the police providing a greater focus on crimes in which computers and technology are instrumental in the execution of illegal activities, the branch has identified the need for greater specialized training to expand prosecutors' knowledge in this area and other technological issues such as the existence, importance and potential uses or misuses of metadata as well as the challenges involved in the disclosure of computer records. Such training will be a priority in the coming year.

To assist with the management of information stored in our Litigation Management System, the branch plans to pilot a paralegal model to see if it can address logistical and operational demands faced in the prosecution of major cases.

Succession planning continues as a priority as the branch considers the orderly transition of senior leadership and Crown counsel positions in the next five to 10 years.

During the fall, I travelled north to Fort St. John, Fort Nelson and Dawson Creek, and had the opportunity of meeting with the staff locally, discussing with them the challenges they face and their ideas for improving our operations. I would like to thank them all for their hospitality and I look forward to continuing to work with them to improve their challenging work environment.

For those of you who have commenced or continued working within your community to develop or participate in community justice programs or meetings, I would like to extend a special thanks for your extraordinary commitment and dedication to this public service. It is only through this type of interchange that the public can gain insight into the workings of the system and, with that, gain an understanding and appreciation of its service to them. This year's annual report recognizes these individual commitments in the appendices.

"The rule of law" can be a bland and meaningless phrase to many outside the legal community. It remains an academic concept until you have had an opportunity to see what a society is like when its existence is threatened, such as when I travelled to Guatemala with LCES and the RCMP in March of this year. We met for a week with representatives from all Central American countries to discuss how they could develop collaborative processes to share information and resources in their fight against gangs and organized crime. The fundamental nature of the rule of law, as an underpinning to a democratic state's existence, is something easily taken for granted by Canadians in our strong and vibrant democratic society. My experience in Guatemala reminded me not to be complacent about our good fortune.

A special thanks to Heather Smart for her hard work at pulling this undertaking together, our fourth annual report, in the face of impossible timelines and workload challenges. And thank you to every one of you who have contributed to the success of this report, thus further demonstrating that through our collaborative efforts we always achieve the best results.

As I have stated before, the accomplishments of our branch are only attainable because of our own peoples' dedication and commitment to the highest level of public service. I would like to thank all members of the Criminal Justice Branch for their outstanding efforts this past year. I look forward to continuing to work with you.

Robert W. G. Gillen, QC
Assistant Deputy Attorney General
Criminal Justice Branch

OVERVIEW

Vision of the Criminal Justice Branch

The vision of the Criminal Justice Branch is reflective of the Ministry of Attorney General vision, mission, and culture and values statement (see Appendix D).

The Criminal Justice Branch is committed to providing a prosecution service that:

- is effective and efficient;
- has the role of Crown counsel, the need for independent decision-making, and demonstrated accountability understood by members of the public and government;
- recognizes that by working closely with other justice system partners, while respecting the independent roles of each, it achieves the greatest protection for the public;
- strengthens support for the prosecution function including initiatives to better provide litigation support, professional development and training for all staff, and more effective communication across the branch;
- has an enhanced supportive workplace environment in which all people, whether Crown counsel or administrative support staff, have increased morale;
- has all staff within the branch working in a safe and productive environment;
- has roles, responsibilities and expectations of all members within the branch clarified to ensure that people are doing that for which they are responsible;
- has its goals, objectives and actions outlined in the business plan appropriately; and
- promotes a culture that supports innovation and change towards the improvement of the delivery of justice.

OVERVIEW

Criminal Justice Branch
Statement of Purpose and Principles

STATEMENT OF PURPOSE
The Criminal Justice Branch of the Ministry of Attorney General is a key component of British Columbia's criminal justice system.

Our purpose is to contribute to the protection of society by preparing for and conducting prosecutions diligently and fairly, and by striving to develop the most effective methods to administer justice in our community.

STATEMENT OF PRINCIPLES
We, the members of the Criminal Justice Branch, are governed by six fundamental principles in fulfilling our purpose:

Fairness
We act with fairness and impartiality in our pursuit of justice.

Independence
We perform our public service without regard to improper influence or interference.

Rule of Law
We apply the Rule of Law consistently and diligently.

Excellence
We achieve excellence by working together and by employing our skills and knowledge in accordance with the highest ethical standards.

Attitude
We serve the public with courtesy and respect.

Commitment
People are our most valuable resource. We are dedicated to being open, honest and trustworthy and to treating one another with respect, dignity and fairness. We endeavour to recognize individual achievement, to share information, knowledge and resources, and to facilitate career advancement and educational upgrading.

Criminal Justice Branch 2005 – 2006 Highlights

- **Effective and fair processing of more than 76,000 Reports to Crown Counsel this past year**

- **Highly accurate branch budget forecasting—CJB actual expenditures for the fiscal year were within one-half per cent (0.5%) of our projections**

- **New, fully revised, concise Crown Counsel Policy Manual to support prosecutors in delivering high-quality prosecution services**

- **An agreement between the Law Courts Education Society and the Criminal Justice Branch that will further public legal education throughout the province**

- **A new disclosure protocol between the police and the branch to ensure that the material necessary to support criminal prosecutions in British Columbia is provided to the Crown in the most efficient and economical way possible**

- **Distribution of the Local Incident Response Guide for emergencies to all Crown offices throughout the province**

As part of the branch's strong planning culture...

- creation of a 04/05 branch annual report and a new three-year business plan
- a new planning steering committee along with seven planning committees on important aspects of branch operations
- recognition at the branch's 2005 Leadership Conference of past branch planners

Bill C-2 preparations

- delivery to prosecutors, prosecution support staff, victim service workers, court services staff and other justice system participants of an excellent package to prepare for this new federal legislation, which marks a significant change in sentencing principles for offences involving the abuse or exploitation of children, expands the eligibility of children and vulnerable adults for testimonial accommodations, and presumes children under 14 years of age are competent to testify

Successful professional development events

- May 2005 Spring Crown Counsel Conference, featuring former SCC Justice Madame Clair L'Heureux-Dubé as guest speaker
- May 2005 New Crown Counsel Conference
- May 2005 Appellate Seminar
- May 2005 Administrative Support Staff Conference - Region 2
- November 2005 Leadership Conference
- November 2005 Administrative Support Staff Conference - Region 4
- February 2006 Administrative Support Staff Conference - Region 1 & Headquarters
- March 2006 Office Managers Conference
- many other training opportunites for all staff

Major case achievements

- creation of the Organized Crime Unit, which has already begun to prosecute alleged criminal organizations and is taking on more such serious cases working in cooperation with our partners in the policing community and the Department of Justice
- a resolution of the Eron mortgage case with a guilty plea
- the Pickton case preparations and pre-trial motions
- the International Association of Prosecutors Special Award in August 2005 for Air India prosecution team

Major facilities improvements

- Movement to new premises in Salmon Arm—the **Salmon Arm Crown Counsel Office** is now conveniently housed in the newly built Salmon Arm Law Courts building—the well-appointed location engenders respect for the function of the courts while providing a safe, efficient and pleasurable workplace for staff
- Completion of the long-standing major facilities project in Victoria—the **Victoria Crown Counsel Office** now occupies a new and spacious location at 940 Blanshard Street, across from the courthouse building
- Movement to new premises in Cranbrook—the **Cranbrook Crown Counsel Office** now resides in a larger, brighter location with improvements in security, including a separate, secure interview room and a coffee/lunch room
- The **Dawson Creek Crown Counsel Office,** after 14 years of cramped quarters, moved to a more spacious location on the fourth floor of the Dawson Creek Courthouse building. Along with a beautiful view, the expanded office space includes a visiting Crown office and a combined boardroom and library room

- **The branch's leadership role, nationally, in organizations like the Heads of Prosecutions across Canada and, internationally, with projects in Guatemala and China**

- **New JUSTIN/PRIME CJB and police electronic interface, connecting all municipal police departments in the province with the database used by prosecutors and other justice system members**

- **The successful testing, continued in 05/06, of the branch's new Litigation Management System for streamlining the prosecution process, readying the system for transition to wider testing and eventual integration into regular operations**

- **Launch of the Management Information System (MIS) Reporter, which provides standard statistical reports to designated staff at the touch of a button**

- **Completion of several Threat and Risk Assessment Reviews to improve levels of security**

OVERVIEW

History of the Criminal Justice Branch

Over three decades ago, the Criminal Justice Branch was created following the provincial government decision that the administration of justice should be regarded as an integrated system.

Prior to April 1, 1974, prosecutions in many Provincial Courts including Vancouver, Victoria, Kelowna, Kamloops, and Prince George were conducted by lawyers hired by the municipalities. In many other locations in the province, Provincial Court prosecutions were conducted by police prosecutors, or the police determined when a lawyer was necessary in Provincial Court and made arrangements to have someone retained. Cases in the County and Supreme Courts were conducted by lawyers, usually from the private bar, who were specifically retained by the then Director of Criminal Law to prosecute the assize or session. All reports on the outcomes of cases prosecuted in County or Supreme Court were given to the Director of Criminal Law.

On April 1, 1974, the inauguration of the Criminal Justice Branch provided for a decentralized prosecution service, and proceeded to apply consistent prosecution standards throughout the province.

In June 1991, following the Discretion to Prosecute Inquiry by Inquiry Commissioner Stephen Owen in 1990, the provincial government passed the *Crown Counsel Act*. The act sets out the functions and responsibilities of Crown counsel, the branch and the Assistant Deputy Attorney General, and addresses the relationship between the Attorney General and CJB.

The branch was initally divided into 13 regions but was later reduced to five regions plus the Criminal Appeals and Special Prosecutions Unit (CASP) and Headquarters.

In the late 1970s and early 1980s, a Crown counsel pre-charge approval process evolved. Normally, there is a two-part test. First: is there a substantial likelihood of conviction and, if so, second: is a prosecution required in the public interest?

In June 1991, following the Discretion to Prosecute Inquiry by Inquiry Commissioner Stephen Owen in 1990, the provincial government passed the *Crown Counsel Act*. The act sets out the functions and responsibilities of Crown counsel, the branch and the Assistant Deputy Attorney General, and addresses the relationship between the Attorney General and the branch.

As of March 31, 2006, the Criminal Justice Branch has 737[1] budgeted full-time equivalent positions in 39[2] office locations across the province, and is comprised of 408 Crown counsel and 329 administrative staff.

[1] *Excludes temporary FTEs attributed to certain major prosecutions. Because of employee turnover rates and hiring lags built into the salary budget, actual FTE usage for fiscal 05/06 was 724.*

[2] *This includes Headquarters, CASP, and Crown offices with Vancouver Youth & Supreme as separate offices.*

OVERVIEW

Mandate of the Criminal Justice Branch

The *Crown Counsel Act* affords significant prosecutorial independence to the branch and, at the same time, balances that independence with accountability.

The mandate of the branch is set out in section 2 of the *Crown Counsel Act*, where it states:

The Branch has the following functions and responsibilities:

(a) to approve and conduct, on behalf of the Crown, all prosecutions of offences in British Columbia;

(b) to initiate and conduct, on behalf of the Crown, all appeals and other proceedings in respect of any prosecution of an offence in British Columbia;

(c) to conduct, on behalf of the Crown, any appeal or other proceeding in respect of a prosecution of an offence, in which the Crown is named as a respondent;

(d) to advise the government on all criminal law matters;

(e) to develop policies and procedures in respect of the administration of criminal justice in British Columbia;

(f) to provide liaison with the media and affected members of the public on all matters respecting approval and conduct of prosecutions of offences or related appeals;

(g) any other function or responsibility assigned to the Branch by the Attorney General.

Section 3 of the act outlines the responsibilities of the Assistant Deputy Attorney General (ADAG):

(1) The ADAG is charged with the administration of the Branch and with carrying out the functions and responsibilities of the Branch under section 2.

(2) The ADAG is designated, for purposes of section 2 of the Criminal Code, as a lawful deputy of the Attorney General.

The responsibilities of Crown counsel are stated in section 4 of the act:

(1) The ADAG may designate as "Crown counsel" any individual or class of individual who is lawfully entitled to practise law in British Columbia.

(2) Each Crown counsel is authorized to represent the Crown before all courts in relation to the prosecution of offences.

(3) Subject to the directions of the ADAG or another Crown counsel designated by the ADAG, each Crown counsel is authorized to:

(a) examine all relevant information and documents and, following the examination, to approve for prosecution any offence or offences that he or she considers appropriate,

(b) conduct the prosecutions approved, and

(c) supervise prosecutions of offences that are being initiated or conducted by individuals who are not Crown counsel and, if the interests of justice require, to intervene and to conduct those prosecutions.

(4) The Attorney General may establish an appeal process under which law enforcement officials may appeal the determination of any Crown counsel or special prosecutor not to approve a prosecution.

The *Crown Counsel Act* also governs the relationship between the branch and government through the Attorney General. It requires that directions on specific prosecutions must be in writing and published in the B.C. Gazette. There are analogous provisions for policy and administrative directions. The act also provides for the appointment of special prosecutors by the Assistant Deputy Attorney General when it is necessary in the public interest.

See Appendix B for the Crown Counsel Act.

Role of Crown Counsel

The role of Crown counsel, as set out in *R. v. Boucher* (1954), 110 CCC 263 (SCC), was also endorsed in *R. v. Brown*, 2001 BCCA 14, in which the B.C. Court of Appeal quoted two passages from *Boucher* dealing with the special role of the prosecutor.

At 267, Mr. Justice Taschereau said:

The position held by counsel for the Crown is not that of a lawyer in civil litigation. His functions are quasi-judicial. His duty is not so much to obtain a conviction as to assist the judge and the jury in ensuring that the fullest possible justice is done. His conduct before the Court must always be characterized by moderation and impartiality. He will have properly performed his duty and will be beyond all reproach if, eschewing any appeal to passion, and employing a dignified manner suited to his function, he presents the evidence to the jury without going beyond what it discloses.

At 270, Mr. Justice Rand said:

It cannot be over-emphasized that the purpose of a criminal prosecution is not to obtain a conviction; it is to lay before a jury what the Crown considers to be credible evidence relevant to what is alleged to be a crime. Counsel have a duty to see that all available legal proof of the facts is presented: it should be done firmly and pressed to its legitimate strength, but it must also be done fairly. The role of prosecutor excludes any notion of winning or losing; his function is a matter of public duty than which in civil life there can be none charged with greater personal responsibility. It is to be efficiently performed with an ingrained sense of the dignity, the seriousness and the justness of judicial proceedings.

Crown counsel's role is also described in *R. v. Logiacco* (1984), 11 CCC (3d) 374 (Ont CA), wherein **Mr. Justice Cory stated:**

...[T]he role of the Crown Attorney in the administration of justice is of critical importance to the courts and to the community. The Crown prosecutor must proceed courageously in the face of threats and attempts at intimidation. He must see that all matters deserving of prosecution are brought to trial and prosecuted with diligence and dispatch. He must be industrious to ensure that all the arduous preparation has been completed before the matter is brought before the court. He must be of absolute integrity, above all suspicion of unfair compromise or favouritism. The Crown prosecutor must be a symbol of fairness, prompt to make all reasonable disclosures and yet scrupulous in attention to the welfare and safety of witnesses. Much is expected of the Crown prosecutor by the courts. The community looks upon the Crown prosecutor as a symbol of authority and as a spokesman for the community in criminal matters...

Great trust is placed in the Crown prosecutor by the courts and by the public. Heavy obligations are imposed upon him in his quasi-judicial role. To be worthy of the trust and reliance which is placed in his office, he must conduct himself with becoming dignity and fairness.

ᔓ ᔓ ᔓ

The foregoing passages are examples of the high standards the Courts have of Crown prosecutors. The obligations of Crown counsel and the dignity expected of that office are exceptional.

OVERVIEW

Prosecutorial Environment

The prosecutorial climate in British Columbia continues to present many challenges in every aspect of the prosecution service. Improved transparency and accountability figure prominently in both our planning for the branch and the day to day delivery of services. The range and nature of prosecutions keeps expanding, in addition to a burgeoning caseload in response to increased police resources. These are just a few of the many factors, elements and issues that continue to have a significant impact on how the Criminal Justice Branch delivers prosecutorial services.

Personal & Organizational Security
Increased incidence of threats to Crown counsel and administrative staff is a sign of the difficult times in which we live. To combat this growing incidence of violence and intimidation in our justice system, systematic change to the workplace and the manner in which we conduct our business requires changes to the nature of our workplace and the implementation of new procedures.

The branch is employing sophisticated security strategies to address concerns, and continues to develop measures to safekeep the confidential nature of our work.

Technology and Innovation
A technological revolution is moving through the justice system, just as it sweeps the wider world. Innovative methods of sharing information and presenting evidence in court are transforming how the justice system operates.

Widespread use of advanced technology for financial and business purposes, and for communication by individuals, businesses, government and other organizations—as well as the criminals who prey on them—has meant that investigation techniques and evidence presentation of technology-related crimes is breaking new ground daily. New ideas are adapting the rules of evidence, developed over centuries, to the kinds of evidence created by the electronic age, which did not in exist even a few years ago.

More and more, jurisdictions—locally, nationally and internationally—are sharing their new approaches and adapting ideas to meet local needs.

Professional Development and Information Technology
Never before has the need for professional development been greater in order to keep pace with new legislation, the complexity of the justice system and the technological revolution.

For instance, prosecutors require training to harness new technologies, now commonly used by police departments in the preparation of investigation files. The development and delivery of information technology for the courtroom increases the options for the delivery and effective presentation of evidence to the court.

New Legislation
Coming into force this fiscal year, Bill C-2 is an act that

continued...

It has never been more important for all justice system participants to contribute to the education of the general public about our Canadian legal system. Today, there is a much greater emphasis placed on explaining justice processes and providing prompt, accurate and appropriate information to the public through the media, Internet sites and responses to individual inquiries.

Prosecutorial Environment
continued...

amends the *Criminal Code* (Protection of Children and Other Vulnerable Persons) and the *Canada Evidence Act*, and is intended to enhance the protection of children from exploitation, abuse and neglect, and to encourage the participation of children and other vulnerable witnesses in the criminal justice system.

The sentencing provisions of Bill C-2 represent Parliament's intent to have longer sentences for offenders who abuse children and to ensure protective measures, currently available in the *Criminal Code*, are obtainable for all sexual offences.

Bill C-2 brought further amendments intended to facilitate the participation of children, youth under 18 years of age and vulnerable witnesses in the criminal justice system by expanding the eligibility of testimonial accommodations for witnesses and presuming the competency of children under 14 years of age to testify.

Prosecutors will be called upon to meet constitutional and other challenges to the legislation for the first few years after its implementation, until the interpretation of the legislation is settled by court decisions.

The increased protection for vulnerable witnesses is anticipated to strengthen the capacity of the criminal justice system to hold those who victimize children and vulnerable adults criminally accountable for their actions by permitting prosecutions to proceed that may not have been brought to court in the past.

Community Outreach
It has never been more important for all justice system participants to contribute to the education of the general public about our Canadian legal system. Today, there is a much greater emphasis placed on explaining justice processes and providing prompt, accurate and appropriate information to the public through the media, Internet sites and responses to individual inquiries.

Branch Policies
Fair and effective prosecutions are essential to the rule of law. The justice system is enhanced by well-developed policy guidelines that assist Crown counsel in the difficult decisions they must make in the public interest.

This fiscal year saw the launch of the revised Crown Counsel Policy Manual, the product of a comprehensive review by the Crown Counsel Policies and Procedures Committee. As public documents, these concise, well-written policies will assist not only Crown counsel but also the public in understanding how prosecutorial services are provided in the public interest.

Workforce Demographics
The demographics of the prosecution service requires astute succession planning as a significant turnover is expected with the current "baby boom" population moving into retirement. Capitalizing on the branch's current knowledge pool is important so that a legacy of information remains with our prosecution services, and further ensures that the Criminal Justice Branch's high standard of excellence prevails.

OVERVIEW

Criminal Justice Branch Planning

This year's annual report demonstrates a clear link between what the branch intends to do as reflected in its business plan and what the branch achieved during fiscal 2005–06. Clarifying this relationship is part of the prosecution service's commitment to public accountability.

Throughout this report, indicators tie the work of the branch during fiscal 05/06 to the goals and objectives of the business plan, as shown on the lower corner of this page. See Appendix C for CJB business plan goals and objectives.

Features designed to spotlight our achieved business plan objectives within this annual report include:

- this central planning overview;
- indicators throughout the report that tie our actions to the business plan;
- the Business Plan Achievements section with its performance measurement table; and
- a reference to the goals and objectives of the business plan in Appendix C.

The Criminal Justice Branch has long had a strong planning culture. The past year has seen powerful renewal and invigoration of the branch's planning process. Branch Management Committee conducted a pivotal planning session before the beginning of the 2005–06 fiscal year. Decisions there—building upon the consultative record that created the previous performance plan and its significant achievements—led to drafting of the new Criminal Justice Branch Business Plan 2005/06 to 2007/08. Putting the plan into action early last fiscal year, Assistant Deputy Attorney General Robert Gillen, QC, received a positive response to his call for branch members to join in the formation of planning committees, and the new committees went quickly to work.

In addition to the business plan's fundamental goals of excellence in prosecution service and solid support for the prosecution function, a key goal in the plan is fostering the branch as a learning organization. A new professional development planning committee co-chair structure with the legal and administra-tive aspects of the branch now reinforces the importance of coordinated professional development across the entire branch. As a result, employee learning opportunities are greater than ever.

The last of the planning committees to be renewed this past year—it was in the midst of its monumental review and renewal of all Crown counsel policies, the documents that aid in the exercise of prosecutorial discretion—was the Crown Counsel Policy and Procedures Committee. That committee's major achievement, the new policy manual, was completed in November 2005. A new policy committee was formed and is once again at work, reviewing all practice directives and continuing with the updating of Crown counsel polices as needed.

Communications is integral to good planning, especially within the organization. For that purpose, the planning section of the CJB intranet site is designed to clearly communicate planning information to employees. In addition to the business plan, postings include committees' memberships; all memos; charts depicting actions, timelines and status; and relevant links to other planning information.

To streamline management of the planning process, the Planning Steering Committee was created in 2005–06. The committee is chaired by Branch Planner Brent Thompson and its other members are:

continued...

Business Plan Goal 4

Objectives 4.7, 4.8, 4.9, 4.10

Criminal Justice Branch Planning *continued...*

- Leadership Committee Chair Jennifer Power, regional Crown counsel for Region 1;
- Management Information and Policy Committees Chair Richard de Boer, director of policy and legislation; and
- Human Resources and Technology Committees Chair, and Professional Development Committee Co-chair, Jenny Manton, director of management services.

Branch planning takes place in a larger planning context. The branch planner represents the Criminal Justice Branch in our contributions to the Ministry of Attorney General's Service Plan and its report each year. In doing so, the planner determines that the branch's work is properly characterized in those documents and in the government-wide strategic planning and reporting, especially in relation to performance measurement. The new Management Information Planning Committee is laying the groundwork in this area. One of its purposes is to ensure branch members have information that accurately reflects the branch's work and helps with making good management decisions.

The branch planner chairs a joint-national Heads of Prosecution Canadian Centre of Justice Statistics Working Group, which is engaged in a similar exercise—seeking to identify national prosecution service management information that likewise accurately reflects the work of prosecution services—both to help prosecution services make good decisions and to show accountability.

The branch business plan is an ever-evolving document, giving focused and achievable guidance to the branch year after year. Business plan actions are regularly monitored and the plan will continue to be updated over the course of 2006–07.

Planning Committees

Here follows a brief synopsis of the seven planning committees' work during this past fiscal year.

Human Resources Committee

The committee prepared a matrix of key positions as a succession planning resource. The Leadership Committee has since taken on succession planning and the Human Resources Committee may be called upon to provide further assistance.

A review of the branch recognition policy resulted in suggested revisions that are under discussion. It is proposed that the policy be mandated and consistent, and expanded to recognize long service and performance.

A job description developed for a new paralegal position is currently being classified by the BC Public Service Agency. The committee is developing a project plan for the position's introduction, which will include a bridging opportunity for branch staff.

Professional Development Committee

In keeping with the business plan goal of the branch as a learning organization, Branch Management Committee approved a new Professional Development Committee model that now includes both CASP Director Greg Fitch and Director of Management Services Jenny Manton as co-chairs. This new model is a recent change and its establishment recognizes the value of creating professional development opportunities for both Crown counsel and the non-lawyer staff who work in a variety of positions in support of the prosecution function.

Under this new professional development structure, an advocacy training subcommittee is being considered in support of the business plan objective to produce advocacy training for mid-level Crown counsel.

Crown Counsel Policies & Procedures Committee

The CJB Performance Plan 2002/03–2004/05 provided the mandate for this committee, which was to "ensure branch policies are necessary, relevant and written in a consistent manner." The committee, composed of Crown counsel from throughout the province, reviewed all policies and proposed amendments for approval by Branch Management Committee. The positive result is the new Crown Counsel Policy Manual, published in November 2005, in which 117 policies were reduced to 66. Policies were revised to provide less restrictive guidelines on the exercise of prosecutorial discretion.

A new policy committee has since been formed, and committee members are reviewing all 73 practice bulletins, in addition to the ongoing review of policies as required. Practice bulletins provide advice on the law to Crown counsel in significant areas of prosecution practice.

Technology Committee

The Technology Committee is newly formed under the mandate of the CJB Business Plan 2005/06–2008/09. The committee is focusing its efforts on better communication, and developing strategies for electronic case management and technology training.

Committee members now provide regular updates to Regional Management Committees to increase the level of information and knowledge within the branch. In the past year, the committee chair and project manager travelled to various Regional Management Committees to make technology presentations. Updates were provided at various regional administrative staff support conferences and the Office Managers Conference.

continued...

Planning Committees, Technology Committee *continued...*

The amount of electronically formatted information, as provided by the police to the branch, continues to grow. The Criminal Justice Branch needs to be in a position to receive, manage and disclose this material in a regular and consistent manner. A strategy is under development to make sure all staff have the right tools, training and protocols to deal effectively with electronic case management.

A comprehensive technology training strategy is in draft stages. The strategy was drawn up with input from various focus groups in the branch and it is expected to be implemented in phases, once it is endorsed by the committee.

Management Information Committee

Identifying new, relevant performance measures for the prosecution service is the first priority of the Management Information Planning Committee. Following the appointment of the former chair, Regional Crown Counsel Brad Chapman, to the Provincial Court Bench, the committee acquired a new chair, Director of Policy and Legislation Richard de Boer. The committee also acquired a new name and a new membership as a result of planning renewal in fiscal 05/06 that led to the branch's new business plan. The committee, with diverse representation from the regions and functions, met during the year for the initial stage of defining and fulfilling its mandate, and will continue its work in 06/07 to develop measures that aid management decision-making and demonstrate accountability.

Workload & Resources Committee

During the 05/06 fiscal year, the Workload and Resources Committee began developing a tool for allocating resources fairly across the branch. Building on the helpful information gained from the comprehensive workload assessment performed in 2003–04 by the American Prosecutors' Research Institute, the committee started with focusing on identifying those factors that affect the workload of Crown counsel and administrative support staff, and which can be measured reliably through the branch's own management information. The result will be the creation of a template of relevant workload factors that can be applied to Crown offices of varying sizes to ensure respective workloads are balanced and fair, as pertaining to the workload of the branch as a whole. The template is expected to be ready for use in fall 2006.

Jennifer Power, former chair of the committee, was appointed in February 2005 to chair the Leadership Committee. However, in recognition of her expertise and valuable insights in the area of workload assessment, Jennifer remains as a senior advisor to the committee.

The committee also welcomed several new and valuable members in the past year. They are Adrienne Venturini, administrative Crown counsel, Campbell River; Sandy MacDonell, administrative Crown counsel, Smithers; Adrienne Murphy, senior trial Crown counsel, Kamloops; Janice Poetsch, office manager, Nelson; and Jay Fogel, Crown Counsel Association representative. All have made important contributions to the committee's work.

Leadership Committee

The Leadership Committee was restructured under the CJB Business Plan 2005/06–2008/09, and assumed responsibility for developing a plan for succession planning and recruitment for key positions in the branch. The committee is also responsible for ensuring leadership and management skills are increased amongst employees during the next three years.

continued...

OVERVIEW

Over the course of the 05/06 fiscal year, the branch presented more leadership skills enhancement opportunities during training and educational events. Highlights include: the first branch Leadership Conference held in November 2005, in which His Worship Mayor Larry Campbell of Vancouver provided insights and views about leadership during his keynote address; in March 2006, several employees attended the "Power Within," a one-day leadership and management training session. Speakers included Loretta LaRoche, an internationally acclaimed expert in the area of health, work and wellness; and former United States President Bill Clinton, who provided his perspective on international leadership; and, throughout the year, employees attended the "7 Habits of Highly Effective Leaders," offered by the FranklinCovey Group.

Looking ahead, the Leadership Committee plans to build on this year's successes so it may assist the Criminal Justice Branch in developing new approaches towards the delivery of leadership and management training.

Restorative Justice: Providing Alternatives to the Courts

Restorative justice is a process in which the parties involved in an offence are brought together to determine how to resolve the dispute created by the commission of the offence and—to the extent possible—to return the parties to the state that existed before the unlawful act. The focus is on problem-solving with the *victim* in a central role, as opposed to a view on blaming, fining and punishing with the *offender* in the central role under our usual adversarial court process.

Over the years, various models have been developed by aboriginal and faith communities throughout the world.

There are many models or practices of restorative justice that are being used, adapted and tested across the country. Some of the programs and outcomes typically identified with restorative justice include: victim-offender mediation, restorative justice options for youth, family group conferencing, healing circles and accountability boards. Recent years in particular have reinforced the need to reflect, plan and implement restorative justice models by taking into account the victims' perspective.

The Criminal Justice Branch is very supportive of engaging interested communities in participating with the RCMP to further develop these out-of-court resolutions in appropriate cases.

The RCMP have taken a leading role in applying restorative justice practices in Canada and are particularly active in British Columbia. Our branch is very supportive of engaging interested communities in participating with the RCMP to further develop these out-of-court resolutions in appropriate cases.

In the past year, Port Alberni Crown Counsel Gordon Baines and Steve Stirling travelled to Ahousat, an isolated Nuu-chah-nulth village on the west coast of Vancouver Island. Their purpose was to discuss restorative justice programs and various issues related to crime. Getting there involves an hour-long boat ride from Tofino. Following their arrival, Gordon and Steve met with a community consultative group, chiefs and council members.

Other examples of Criminal Justice Branch work in the area of restorative justice inciude Crown Counsel Henry Waldock, who is a director with the Chilliwack Restorative Action and Youth Advocacy Association; Crown Counsel Carolyn Kramer who, from time to time, works in this justice area with the Sto:lo Nation in Chilliwack; and Crown Counsel Jonas Dow, who is involved with the Ridge Meadows Youth Justice and Advocacy Association.

In December 2005, Nanaimo Crown Counsel and the Nanaimo Region John Howard Society, who operate the Nanaimo Restorative Justice Program, signed a memorandum of understanding. It includes the use of direct referrals from Crown counsel to adult alternative measures and extrajudicial sanctions for youth, including restorative justice programs. Formerly, there was no Crown counsel referrals, only police and probation. With the agreement in place, it was not long before the new Crown direct referral process was up and running.

As well, both New Westminster and Port Coquitlam Crown Counsel are in the preliminary stages of setting up a memorandum of understanding with the Fraser-Burrard Community Justice Society. They are exploring an agreement that would include the expanded use of direct referrals by Crown counsel to extrajudicial sanctions for youth, including restorative justice programs, as operated by the Fraser-Burrard Community Justice Society through their Community Youth Justice Program.

Business Plan Goal 1

Objective 1.2

OPERATIONS

Drug Treatment Court and Recidivism

On a pilot basis, Crown counsel at 222 Main Street are referring certain provincially prosecuted cases to Drug Treatment Court. This court is a harm reduction program, designed to motivate addicts who are charged with criminal offences to participate in court-supervised treatment in exchange for less severe dispositions for their convictions.

The Criminal Justice Branch has participated in this initiative since January 2005. The objective of CJB involvement in Drug Treatment Court is to determine whether the drug treatment program has the effect of reducing recidivism for chronic offenders.

Daniel L. Mulligan, administrative Crown for the bail team at 222 Main Street, is responsible for reviewing requests for referral to Drug Treatment Court and for monitoring the success of provincially prosecuted offenders in this program.

Business Plan Goal 5

Objective 5.1

Street Crime Working Group Reports Out

In March 2004, the Attorney General of British Columbia announced the creation of the Street Crime Working Group. The mandate of the group was to develop new criminal justice system responses to street crime and disorderly behaviour, and to report back to the Justice Review Task Force.

The group consisted of representatives from a number of organizations, including the Provincial Court of British Columbia, Vancouver Coastal Health Authority, Corrections, the Vancouver Agreement, the defence bar and the Vancouver Police Department. CJB was represented by Daniel L. Mulligan, administrative Crown for the bail team at 222 Main Street.

In October 2005, the Street Crime Working Group's Report, "Beyond the Revolving Door: A New Response to Chronic Offenders" was publically released. One of the report's recommendations was to implement a pilot project for a community court for the downtown Vancouver area. The court would focus on problem-solving sentencing and more closely integrate the criminal justice system with relevant health and social services. The full report can be accessed by following links at: www.bcjusticereview.org/.

Business Plan Goal 5

Objective 5.1

Sex Offender Information Registration Act (SOIRA)

On December 15, 2004, federal legislation, consisting of the *Sex Offender Information Registration Act (SOIRA)* and related *Criminal Code* amendments, established a National Sex Offender Registry for the first time. The purpose of the registry is to assist police in the investigation of crimes of a sexual nature by providing rapid access to basic personal information of convicted sexual offenders, including their current residential addresses.

Since the legislation came into force, whenever sentences are imposed on convicted sex offenders for designated sexual offences, Crown counsel diligently seek court orders requiring offenders to report to the National Sex Offender Registry. One study showed that during the first nine months of SOIRA implementation, the Criminal Justice Branch successfully applied for 162 court orders (80.6 per cent of eligible files) in British Columbia. As of March 31, 2006, the BC Sex Offender Information Registration Centre had received approximately 275 court orders.

"...the results are really remarkable."

The enactment of SOIRA also permitted the Solicitor General of British Columbia to serve administrative notices on offenders who were serving sentences for certain designated offences on December 15, 2004. The notices required these offenders to report to the National Sex Offender Registry. Crown counsel continue to assist the Ministry of Public Safety and the Solicitor General by contesting court applications made by sex offenders who seek exemption from the notices or wish to have their notices terminated.

The success of the implementation of SOIRA throughout the province and the strong performance of the Criminal Justice Branch prompted one senior government official with the Ministry of Public Safety and the Solicitor General to write, "Given the timelines for you to prepare and deliver training to Crown, and the new, unusual business process with the Orders as well as the complexity, the results are really remarkable."

Business Plan Goal 2
Objective 2.1

Branch Policy Revision Project

The Branch Policy Revision Project marked a substantive milestone when the new Crown Counsel Policy Manual was published in November 2005.

For that publication, the Crown Counsel Policies and Procedures Committee reviewed the initial 117 policies as guided by the project's mandate, which originated from the 2002/03 – 2004/05 Performance Plan, objective 3(c), and states: "ensure branch policies are necessary, relevant and written in a consistent manner."

Proposed amendments were reviewed and approved by the Branch Management Committee. The number of policies was reduced to 66, and the remaining ones were shortened and further modified to provide less restrictive guidelines on the exercise of prosecutorial discretion. Policy statements were rewritten to include only necessary statements and important background information, and they are now highlighted in bold text in the manual.

The project continues in fiscal 06/07 with the new review of 73 practice bulletins, which give advice on the law to Crown counsel in significant areas of prosecution practice, plus the ongoing review of policies to address the changing requirements of our prosecution services.

Business Plan Goal 2
Objective 2.1

Implementing Bill C-2

Bill C-2, an act to amend the *Criminal Code* (Protection of Children and Other Vulnerable Persons) and the *Canada Evidence Act*, is intended to enhance the protection of children from exploitation, abuse and neglect, and to encourage the participation of children and other vulnerable witnesses in the criminal justice system.

The legislation came into effect in two stages: November 1, 2005, and January 2, 2006.

On November 18, 2005, revised branch policies related to prosecutions for sexual offences and prosecutions involving witnesses under the age of 18 came into effect. The policies require Crown counsel to inform victims and vulnerable witnesses of the accommodations available under the new legislation.

Those amendments that came into effect on November 1, 2005, marked a significant change in sentencing principles as they apply to the offences involving the abuse or exploitation of children.

The sentencing priorities for the abuse of children became deterrence and denunciation, and the maximum sentences for summary conviction offences relating to the sexual exploitation of children rose from six to 18 months. Minimum jail sentences became mandatory, making conditional sentence orders unavailable for these offences.

On January 2, 2006, further amendments came into effect. These changes are intended to facilitate the participation of children and vulnerable adults in the criminal justice system by expanding the eligibility of both children and adults for testimonial accommodations and by assuming children under 14 years of age are competent to testify. Testimonial accommodations include permitting witnesses to testify from outside the courtroom or with the assistance of a screen so they do not see the accused while testifying. Further provisions ensure vulnerable witnesses are not personally cross-examined by accused persons but through a court-appointed lawyer.

The new legislation requires the provision of appropriate screens and closed circuit capacity to all courts in the province, as well as the delivery of training for Criminal Justice and Court Services personnel and victims service providers throughout the province.

As the amendments to assist witnesses applied to cases in progress as of January 2, 2006, all matters with preliminary hearing or trial dates as of that date were reviewed to determine whether the new legislation applied to any witnesses and whether applications for testimonial accommodations were needed.

On November 18, 2005, revised branch policies related to prosecutions for sexual offences and prosecutions involving witnesses under the age of 18 came into effect. The policies require Crown counsel to inform victims and vulnerable witnesses of the accommodations available under the new legislation. The policies also require Crown counsel to consider requests for such accommodations when deciding whether an application is appropriate in each case.

Crown Counsel Lee Porteous (Headquarters) and Crown Counsel Wendy van Tongeren Harvey (seconded to Headquarters from Region 3) were teamed to produce materials and educate branch personnel about the new legislation.

continued...

Implementing Bill C-2 *continued...*

Inventive and enterprising measures were taken to convey information to Crown counsel before and during the initial implementation of the legislation. They include:

- Two interactive province-wide teleconferences.

- A range of materials developed for Crown counsel, such as: summaries of the legislation; a comparison chart of the new and old provisions; a chart of the new sentencing provisions and their relationship to existing Dangerous Offender and DNA provisions; a chart of the various types of witnesses and accommodations available to them; papers by Wendy van Tongeren Harvey on sentencing issues, and the law and practice related to child, youth and other vulnerable witnesses; framework arguments and papers by CASP Crown Counsel Joyce Dewitt-Van Oosten, Bev MacLean, Fred Tischler, Mary Ainslie, Karen Wikberg and Ursula Botz; and information to assist in making applications for testimonial accommodations.

Business Plan Goal 2

Objective 2.1

- The production of a DVD that shows the various arrangements of screens and cameras that may be used in assisting children, youths and vulnerable adults to testify. The DVD was created with the assistance of the RCMP Pacific Region Training Centre; Gord Lemire of Court Services; Crown Counsel Henry Waldock, assisted by his children; Crown Counsel Damienne Darby, Christie Lusk and Alex Henderson; and Detective Mike Macfarlane of the New Westminster Police Department. The production was organized, directed and narrated by Wendy van Tongeren Harvey. Copies of the DVD were provided to Court Services Branch for their staff and defence counsel. Fifty copies were requested by the judiciary and a copy was sent to the United Nations for use in a documentary about various nations' efforts to assist children in court.

- The production of a PowerPoint presentation that summarizes the DVD, which was distributed to all Crown counsel to assist in their explanations of the accommodations to witnesses and their families.

- The creation and demonstration of an alternative testimonial accommodation that uses a video camera, a monitor and an opaque barrier, and shows what may be provided in jurisdictions with limited resources. This alternative may be more effective in assisting children and other vulnerable witnesses than the diffraction screen that is in current use in courtrooms throughout Canada, and was demonstrated to Crown counsel and Court Services Branch.

- Training delivered to five communities, which were attended by victims service workers, police officers and Crown counsel. Wendy van Tongeren Harvey delivered the training with the assistance of the Community Programs Branch of the Ministry Public Safety and Solicitor General. Each session was followed by a public forum in the evening. At these public forums, where possible, local Crown counsel participated on the panel—Gregg Goodfellow assisted in Abbotsford; Glenn Kelt, QC, in Nanaimo; Phil Seagram in Nelson; Shannon Keyes in Prince George; and Frances Gordon in Vancouver.

- In Williams Lake, the facilitation of the local development of a protocol by Wendy van Tongeren Harvey, assisted by Crown Counsel Rod Hawkins, to coordinate the effective delivery of services to children who are victims or witnesses in criminal matters. Further local protocol development is planned.

- Presentations to members of the Canadian Bar Association in Vancouver and New Westminster, to Regional Management Committees throughout the province and at the Criminal Justice Branch Leadership Conference in November 2005.

- Presentations to administrative support staff of the Interior Region and Crown counsel in the Kamloops office as well as a gathering of victims service workers from Kamloops and surrounding communities.

- Presentations to administrative support staff of the Vancouver Island Region by Glenn Kelt.

- The development and distribution of a survey to all Crown counsel for feedback about the materials and presentations produced for Bill C-2 implementation. Responses are under analysis to assist in future implementations.

- The development and conduct of a telephone survey for all administrative Crown counsel, about the status of the legislation implementation and whether there were any present or surfacing problems. The results will assist with the ongoing implementation of Bill C-2 and, in particular, the provision of testimonial accommodations.

- The creation of a website, in progress, by the Courthouse Legal Education Society, the Community Programs Branch and the Criminal Justice Branch, for the purpose of helping young witnesses understand the various testimonial accommodations that are available to them. The objective is to provide age-appropriate, animated, interactive materials for children, ages 14 to 18 years. Similar materials will be developed for younger children and added to the website. Funding for the website is supplied by the Community Programs Branch and the federal government.

Accolades go to Systems Analyst Stan Khan (Headquarters) who assisted with the creation of the Crown counsel presentation, prepared the artwork for the DVD cover and jacket, and uploaded the DVD to the CJB intranet site. Stan also contributed to the creation of an alternative testimonial accommodation and the production of the Crown counsel survey.

The DVD also had its day in court when it formed part of the Crown's case in *R. v. C.N.H. and P.B.*, which was the first constitutional challenge to the new testimonial accommodations legislation and was argued successfully by Vancouver Provincial Court Crown Counsel Kirsten Gagnon and CASP Crown Counsel Mary Ainslie.

The Criminal Justice Branch and Court Services Branch of the Ministry of Attorney General, and the Victims Services and Community Programs Branch of the Ministry of Public Safety and Solicitor General, worked together to prepare for the implementation of Bill C-2. They continue to work cooperatively to address implementation issues as they arise.

High-Risk Offenders Identification Program

As of March 31, 2006, the High-Risk Offender Identification Program (HROIP) has identified, and flagged in JUSTIN and CORNET, approximately 1700 individuals as being at high risk to commit violent offences, 1200 of which are active files. Of these, 95 per cent have a history of committing sexual offences. Approximately 120 high-risk offenders are added annually to the program database.

Business Plan Goal 1

Objective 1.2

Business Plan Goal 2

Objective 2.1

About 70 per cent of new files are created under the direction of Crown counsel, and about 30 per cent are identified by federal and provincial corrections and police.

Since its creation in 2000, the High Risk Recognizance Advisory Committee (HRRAC)[1] has resulted in a significant proportion of these additions to the HROIP. HRRAC is managed by BC Corrections to assist in addressing the danger posed to the public when prisoners who are assessed as being at high risk to re-offend violently are released from prison without parole or probation conditions.

A committee (composed of representatives from the policing community, federal and provincial corrections services, victims services, Criminal Justice Branch headquarters and the HROIP manager) reviews each case and formulates recommendations as to whether there should be a community notification regarding the release of the offender and whether there should be an application for a recognizance under sections 810.1 or 810.2 of the *Criminal Code*. Then the recommendations are conveyed to the police force of jurisdiction where the offender will be released or plans to locate after release or, in many cases, forwarded to the police of jurisdiction of the institution that the offender is being released from.

If the offender was already identified by the HROIP, the manager provides additional background information on the offender. Local Crown counsel become involved if the police decide to pursue the recognizance application.

Through JUSTIN, Crown counsel are alerted to those individuals who are flagged by the HROIP as soon as the Report to Crown Counsel is received for charge assessment. Crown counsel are able to use the information available from the HROIP on bail and sentencing proceedings, whether or not a dangerous offender or long-term offender designation is eventually sought.

The HROIP is a resource to the RCMP, municipal police forces, and provincial and federal corrections officials. It has a national profile and shares information with other jurisdictions when individuals identified as dangerous cross provincial boundaries. Approximately 400 such offenders have been registered on CPIC at the request of the HROIP. The program continues to respond to inquiries and receives information from provincial, territorial, federal and foreign jurisdictions.

[1] *Formerly the High-Risk Offender Community Notification Advisory Program (CNAP) until June 2005.*

Prevention of Miscarriages of Justice

The Criminal Justice Branch is committed to the prevention of miscarriages of justice. This year the branch increased its vigilance to ensure these fundamental failures of justice do not occur. These efforts are built on the Heads of Prosecutions *Report on the Prevention of Miscarriages of Justice*.

The report made 43 main recommendations directed at all facets of the criminal justice system. The Criminal Justice Branch evaluated all recommendations and identified a course of action pertaining to prosecutorial functions and influence for each recommendation. This process is ongoing and emphasizes the development of best practices, proactive policies, protocols, and educational programs. Many of the report's recommendations are long-standing practices of the branch.

Policy development highlights include the updating of various policies to address miscarriage of justice concerns. Two significant examples are new policies entitled: "Legal Advice to Police" and "In-custody Informer Witness."

At the May 2005 Spring Crown Counsel Conference, prosecutors gave Thomas Sophonow (left) a standing ovation after he courageously spoke about the devastating impact of being wrongly convicted of murder and spending four years in jail for a heinous crime he did not commit. Also shown: Manitioba Deputy Minister of Justice and DAG Bruce MacFarlane, QC, and Defence Counsel Peter Wilson, QC, who represented Thomas Sophonow at the Sophonow Inquiry.

CJB educational initiatives include increased Crown counsel participation in joint training with municipal police and RCMP major crime investiga-tors, attendance at an interna-tional conference on avoiding wrongful convictions by 15 Crown counsel and major participation in a national conference on expert evidence strategies that avoid wrongful convictions.

Internal education initiatives peaked with a plenary presentation on wrongful convictions to over 350 prosecutors by Thomas Sophonow and his legal counsel at the May 2005 Spring Crown Counsel Conference.

Business Plan Goal 1

Objective 1.2

Increased emphasis on preventing miscarriages of justice is now incorporated in the new Crown counsel training program with particular attention to the dangers for self-represented accused.

OPERATIONS

Youth Justice

Business Plan Goal 1

Objective 1.2

Youth Justice initiatives in the past year have concentrated on legal clarification of the *Youth Criminal Justice Act* (YCJA) provisions, especially through Court of Appeal and Supreme Court of Canada litigation, continued evaluation of the impact of the YCJA, especially in relation to pre-trial detention and sentencing, and support for Crown counsel through regular updates and resource materials. Crown Counsel Tom Burns represents the branch in this area.

The branch continues to anticipate and respond to emerging issues related to the YCJA. This includes working closely with local Crown counsel, the Ministry of Children and Family Development, the Ministry of Public Safety and Solicitor General, and the Court Services Branch to ensure a consistent and compatible approach.

The Criminal Justice Branch maintains a lead role in national youth justice forums, including the Coordinating Committee of Senior Officials (Youth Justice) and the Heads of Prosecution Communities of Knowledge pilot on youth justice.

Criminal Justice Branch Correspondence

Business Plan Goal 7

Objective 7.1

The CJB correspondence unit works out of headquarters and is staffed by Crown Counsel Stan Lowe, Writer Heather Smart and Legal Secretary Gail Bettger.

A variety of topics were the basis for letters and e-mails from the public during fiscal 05/06. While a number of letters focused on high-profile prosecutions (such as verdicts in *R. v. Cran, Malik/Bagri*), a significant number were from individuals regarding specific matters that are or were before the courts.

Comparatively, there were 143 responses in total drafted and managed by the Criminal Justice Branch correspondence unit last year, which is about 100 less letters than what was produced in fiscal 04/05. This demonstrates one of the challenges with correspondence—the inability to predict the workload over the course of any given timeframe.

Of the responses drafted, 73 were for the Attorney General and 14 were "reply direct" from the Assistant Deputy Attorney General and referrals to Regional Crown Counsels. Fifty-two responses to "Webmails" were prepared, and another four were wording provided for other ministries and the premier's office.

OPERATIONS

Law Reform

The Criminal Justice Branch supports the law reform efforts of the Ministry of Attorney General by initiating law reform proposals and by providing a prosecution prospective, including operational assessments, on law reform proposals put forward by other branches, ministries and jurisdictions.

Crown counsel participate directly in numerous national law reform forums including federal/provincial/territorial committees such as Heads of Prosecution, the Coordinating Committee of Senior Officials (Criminal), the Coordinating Committee of Senior Officials (Youth Justice) and various sub-committees and working groups of these organizations.

The branch also actively participates in provincial law reform development and implementation through organizations such as the Criminal Justice Reform and Operations Committee, the Police Crown Liaison Committee, and the Inter-ministerial Committee on Youth Justice.

Business Plan Goal 5

Objective 5.1

Information & Privacy

British Columbia's *Freedom of Information and Protection of Privacy Act* (FIOPPA) became law in October 1993. It makes public bodies more accountable to the public by providing access to government records with limited exceptions. It also protects the privacy of individuals by providing clear guidelines on the collection, use and disclosure of personal information.

The Criminal Justice Branch is decentralized from Privacy, Information and Records Management Division of the Ministry of Attorney General and administers the act as it pertains to its own records.

The branch's information and privacy office is located at Headquarters and is staffed by Crown Counsel and Information and Privacy Co-ordinator Peter Insley and Information and Privacy Analyst Marlane Moreno. The duo are also responsible for access to prosecution files in civil proceedings and professional notifications.

Requests this past year have been received from a variety of individuals, including accused persons, offenders, third parties (often victims) and federal government agencies seeking records in relation to the reasons for "no charge" decisions, personnel files, consultations, budgetary matters and ministerial briefing notes from within the branch and the ministry.

The release of information to third parties, other than the accused, may be for the purposes of civil litigation; assisting victims through any of the crime victims assistance programs; or for conducting research and for child protection purposes under the *Child, Family and Community Service Act*. The release of information is guided by Crown Counsel Policy Dis 1.1, the requirements of the FIOPPA, and Crown counsel responsibilities relating to the protection of informants, witnesses and third parties.

Business Plan Goal 2

Objective 2.1

Under Crown counsel policy PRO 1, Professional Organizations – Charges Against Members, where it is in the public interest, CJB notifies professional organizations, employers and other groups that charges against their members or employees are recommended in a Report to Crown Counsel. The rationale for the policy is to protect vulnerable persons and persons relying on trust relationships. This fiscal year, CJB provided notifications concerning the following occupations: teachers, lawyers, firefighters, nurses, doctors, chiropractors, professors, nannies, athletic coaches, private investigators, chartered accountants, bus drivers and sheriffs.

Guatemala Project a "Star"

The Guatemala Crime Scene Investigation Project successfully concluded in March 2006. The international justice project had its origins in 2000, and was primarily funded by the Canadian International Development Agency (CIDA). Its Canadian partners—the Law Courts Education Society of B.C. (LCES), the Criminal Justice Branch and the RCMP—in conjunction with a Guatemalan non-governmental organization (NGO), designed and delivered an extensive training program in crime scene investigation methods based on a "train the trainers" model, to hand-picked groups of Guatemalan police officers and prosecutors.

The consensus of opinion in Guatemala, among the NGO community and within the institutions comprising the justice system, is that the Canada–Guatemala Crime Scene Examination Project was the most successful one of its kind ever completed.

Business Plan Goal 5

Objective 5.1

In September 2005, RCMP Forensic Identification Section (Ident) members Staff Sergeant Wayne Bloomquist, Sergeant Tim Sleigh and Sergeant Richard Matte went on a final monitoring trip to observe how the Guatemalans were putting into practice the Canadian training they had received from their trainers. The Ident members were accompanied by Executive Director of LCES Rick Craig and Crown Counsel Cal Deedman.

The group observed the manner in which Guatemalan police investigators processed homicide scenes. They also attended a seminar about the rollout of a new procedure manual for crime scene examiners and prosecutors employed by the Guatemalan State Prosecutor's Office (Ministerio Público). The manual sets out detailed procedures for processing all major crime scenes throughout the country.

At the seminar, it became clear the Guatemalans have taken ownership of the project. They have invested significant resources to ensure they will capitalize on the training Canada has provided and announced the country-wide deployment of 28 Nissan Frontier pick-up trucks with campers, fully equipped as mobile crime scene examination and evidence collection units. Each unit is staffed by two-person teams of trained crime scene technicians. This marks the first time all 22 of their police departments have the capacity to properly process a crime scene.

The project culminated with a three-day seminar held in Guatemala City from March 14–16, 2006, entitled "The Investigation of the Crime Scene in Central America: Experiences and Challenges." A mixed group of 33 police, prosecutors and forensic experts from Guatemala, Costa Rica, Honduras, El Salvador, Nicaragua, Panama and Belize attended in addition to the Canadian delegation consisting of Criminal Justice Branch ADAG Robert Gillen, RCMP Inspector Brian Andrews (Officer in Charge of Forensic Identification Services for the Pacific Region), Rick Craig and Cal Deedman. The seminar was sponsored by the State Prosecutor's Office, LCES and its NGO partner, the Centre for Forensic Analysis and Applied Sciences (called CAFCA, from its acronym in Spanish). Funding for the seminar was provided by Canada and a number of Guatemalan organizations that strongly endorsed the project—OXFAM Guatemala, the SOROS Foundation and the Swiss Embassy.

The Attorney General of Guatemala, the Honourable Juan Luis Florido, officially opened the seminar. In his opening remarks, Mr. Florido stressed the importance of the crime scene as a primary source of physical evidence and expressed his appreciation for the resources and training Canada has provided. The opening ceremony wrapped up with speech by the Canadian Ambassador,

His Excellency Kenneth Cook, who cited the project as an example of Canada's ongoing commitment to strengthening the Guatemalan justice system, a necessary precondition to establishing a stable society.

Following the opening ceremony, the Attorney General held an hour-long private meeting with the Canadian Ambassador and members of the Canadian delegation, during which there was a candid discussion about the current situation in Guatemala.

Following the opening ceremony, the Attorney General of Guatemala met with the Canadian ambassador and members of the Canadian delegation. From left, Héctor Soto of the Centre of Forensic Analyis and Applied Sciences, a Guatemalan NGO; Crown Counsel Cal Deedman; Assistant Deputy Attorney General, CJB, Robert Gillen, Ministry of Attorney General, B. C.; Attorney General of Guatemala Juan Luis Florido; Canadian Ambassador to Guatemala Kenneth Cook; Inspector Brian Andrews, Officer in Charge of RCMP Forensic Identification Services for the Pacific Region; Executive Director Rick Craig, Law Courts Education Society.

The three-day seminar was a great success. It provided an invaluable opportunity for participants to discuss crime, law enforcement and prosecution problems common to Central America. Attendees compared approaches and methods to problems being tackled, and the groundwork was laid for future cooperation and resource-sharing.

Although the seminar officially signified the end of the Canada–Guatemala Crime Scene Examination Project, the Canadian delegation and participants explored different options in which Canada may be able to further assist at a regional level, if the necessary funding can be obtained.

Prosecutors, police officers and forensic experts from Costa Rica, Honduras, El Salvador, Nicaragua, Panama, Belize and Guatamala, along with members of the Canadian delegation, at the closing seminar of the Guatemala Crime Scene Investigation Project, held in Guatemala City from March 14–16, 2006.

The consensus of opinion in Guatemala, among the NGO community and within the institutions comprising the justice system, is that the Canada–Guatemala Crime Scene Examination Project was the most successful one of its kind ever completed. The State Prosecutor's Office indicated that, of all the foreign aid projects in which it has been involved, this one is the "star."

"Vic" Joins the RCMP at Presentation Ceremony

Surrounding "Vic," from left: Sergeant Ross Spenard, Assistant Deputy Attorney General Robert Gillen, Staff Sergeant Wayne Bloomquist, Staff Sergeant Jack Mellis (retired), Crown Counsel Cal Deedman, Inspector Brian Andrews, Law Courts Education Society Executive Director Rick Craig, Superintendent Dave Zack and Sergeant Tim Sleigh.

On December 5, 2005, a thank-you ceremony was held at the RCMP Pacific Region Training Centre (PRTC) based in Chilliwack. The executive director of the Law Courts Education Society of BC, Rick Craig, presented a life-size canvas and rubber stunt dummy, appropriately attired, to Inspector Dave Zack, Officer in Charge of Pacific Region Training, and Inspector Brian Andrews, Officer in Charge of the Forensic Identification Section (Ident) for the Pacific Region.

The dummy, called Vic (short for "victim"), was provided to the RCMP as a token of appreciation for the force's enormous contribution to the success of the Guatemala Crime Scene Investigation Project. The RCMP will use Vic as a prop in mock crime scenes, to train both RCMP members and Crown counsel in crime scene examination techniques.

The project began in 2000. The Law Courts Education Society of BC (LCES) partnered with the Criminal Justice Branch, the RCMP and a Guatemalan non-governmental organization to train Guatemalan prosecutors and police officers in basic and advanced crime scene examination techniques. On five different occasions since 2002, two-person teams of RCMP Ident members, accompanied by Crown Counsel Cal Deedman, were sent to Guatemala to develop and deliver training programs, and to do follow-up monitoring of the procedures instituted as a result of the training. PRTC provided the facilities for a five-week advanced course given to a mixed group of 12 Guatemalan police and prosecutors from May to June

continued...

OPERATIONS

The China Project

In January 2006, the Criminal Justice Branch signed a memorandum of understanding with the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR). The branch will be working on an 18-month program with the ICCLR and its Chinese partners to implement and improve international standards in criminal law and justice reform in China. The fundamental goal is to facilitate the sharing of Canadian and international expertise in order to promote and strengthen the rule of law, human rights and good governance in this rapidly developing country. This will be accomplished through the reform and improvement of criminal procedure, substantive criminal law and the administration of criminal justice in accordance with well-established international standards.

Business Plan Goal 5

Objective 5.1

The program is an extension of ICCLR's previous seven years' work in China, a country with one of the largest economies in the world and a population of over 1.3 billion. The Canadian International Development Agency (CIDA) is funding the program.

"Vic" Joins the RCMP at Presentation Ceremony
continued...

2004. This course, taught in Spanish, involved the participation of more than 25 RCMP members who were rotated in and out to teach different parts of it and was coordinated by Staff Sergeant Jack Mellis of the RCMP and Cal Deedman.

In his dual role as assistant deputy attorney general and member of the LCES board of directors, Bob Gillen expressed his thanks to the RCMP for its contribution to the Guatemala Project as well as for the forensics training provided at PRTC to new Crown counsel and to more senior Crown who have participated in RCMP training courses, including "Major Crime Investigative Techniques."

Following the formal presentation of the dummy, Rick Craig and Cal Deedman sketched out the history of the Guatemala Project and the central role that different dummies have played in the training.

Inspectors Zack and Andrews spoke briefly, noting that the Guatemala Crime Scene Investigation Project fits squarely within the RCMP's international policing mandate. They emphasized the value of joint police and Crown training in team building and promoting mutual understanding.

Business Plan Goal 3

Objective 3.1

Business Plan Goal 5

Objective 5.1

Also in attendence at the presentation ceremony were Staff Sergeant Wayne Bloomquist, Sergeant Tim Sleigh, Sergeant Ross Spenard and retired Staff Sergeant Jack Mellis.

Litigation Management System Project

Business Plan Goal 5

Objective 5.2

The Litigation Management System Project was initiated in the fall of 2001 to address the growing number of major cases and the reality of cases becoming larger, more complex and document-intensive. Increasingly, documentation from the police and others is provided to Crown counsel in varying types of electronic formats. The purpose of the project is to implement a commercial litigation support software package that will assist Crown counsel with evidence management, and to facilitate case analysis, trial preparation and disclosure.

After a comprehensive procurement process, Ringtail Solutions was successful in providing the technological tool that best meets the needs of the Criminal Justice Branch for major, high-volume cases.

Ringtail Solutions is a leading developer of intranet-based legal and justice application technology for use with a web browser. The global corporation was formed in 1997 and has offices in Williamsburg, Virginia; Melbourne, Australia; and London, England. Ringtail's flagship product, Ringtail CaseBook, provides knowledge management and case preparation through an intranet repository for litigation management and collaboration on complex legal cases.

There have been several pilot cases and more are being conducted. One of those cases has concluded, and it is clear the software provided significant benefits to the prosecution team by greatly steamlining the review of all materials. The conclusion of this case is one of the many successes realized with the use of Ringtail.

The next phase of the project is to move into an operational model, and includes an upgrade to the newest software version. Ringtail Legal.

There are close to a dozen major cases in line to use Ringtail.

Information Security: Two-Factor Identification

32

Business Plan Goal 4

Objective 4.5

The Criminal Justice Branch is committed to increasing the security of its data. One of several initiatives in this area includes the piloting of two-factor authentication and data encryption technologies.

Two-factor authentication, as the name implies, entails a two-part process in accessing a computer that is linked to the government network system. The first factor is something that the computer user knows, such as a password, and the second factor is something the user has, such as an iKey, which is a piece of hardware that plugs into a computer's USB drive. Data encryption, which is the process of encoding information in such a way that only the person (or computer) with the key can decode it, provides another layer of security to data (documents or e-mail) both in transit and at rest on the network file servers.

Under the Identity and Access Management Project (IAM), a project team consisting of the Criminal Justice Branch, Common Information Technology Services and Information Technology Services Division has been established to develop a plan to pilot the security software and to test the security of the corporate infrastructure.

Rollout of this secure solution is ongoing and the branch hopes to have IAM fully implemented by fall 2006. Any lessons learned will assist the ministry and government as it plans a more global rollout of this technology.

TECHNOLOGY

JUSTIN: Justice Information System

The Criminal Justice Branch and its justice partners continue to develop technological methods to assist with the effective management of criminal cases. Through this effort, British Columbia is one of the first jurisdictions on the continent to use the benefits of technology to coordinate all elements of the justice system.

JUSTIN has established a province-wide database of cases, using a standard technology platform, and has replaced a number of existing case tracking systems throughout the province. Direct access to JUSTIN is provided to RCMP, municipal police, Crown counsel, criminal courts registry staff, sheriffs, probation services, judicial trial schedulers and provincial correctional institutions. There are varying degrees of access, ranging from data entry to view only, based on the requirement, privacy issues and security clearance level of the user.

After a successful pilot in the Kelowna Crown Counsel office, JUSTIN was implemented in approximately 400 office locations as of July 2001, including all provincial and federal Crown offices, court registries, corrections offices and police detachments.

As use of the system grows, so does the requirement for enhancements and modifications to meet user needs. For example, an interface has been developed to provide for electronic transmission of the data from the Police Records Management System (PRIME) to the Crown JUSTIN system. It is operational in all of the municipal police departments in the province, including the two largest municipal forces in Vancouver and Victoria. By early 2008, it is expected all Crown offices will receive data electronically through the interface from every police force in British Columbia.

Business Plan Goal 5

Objective 5.2

In keeping with the trends of new technological developments, JUSTIN Classic is being upgraded to a browser-based version known as JUSTIN 10g. This will provide users with several benefits, such as a higher level of system security, faster turnaround response for repairs or enhancements, opportunities to use new document management tools and other sophisticated web technologies.

Future developments include an improvement of the on-line charge approval module, and the ability to scan and store attachments from the Report to Crown Counsel into JUSTIN.

CJB Intranet Publishing Project

The Criminal Justice Branch implemented an intranet site in March 2003 to increase internal communications and to meet the performance plan goal of timely, concise and relevant communication. Work continues on this project to improve and enhance the intranet site.

As part of that work, the ministry is in the process of configuring and deploying an enterprise content management application that will have a direct impact on the future of the CJB intranet site. The application will provide capabilities for knowledge management, web collaboration and work flow. The branch is very optimistic this new technological direction will greatly benefit our intranet site and internal communications.

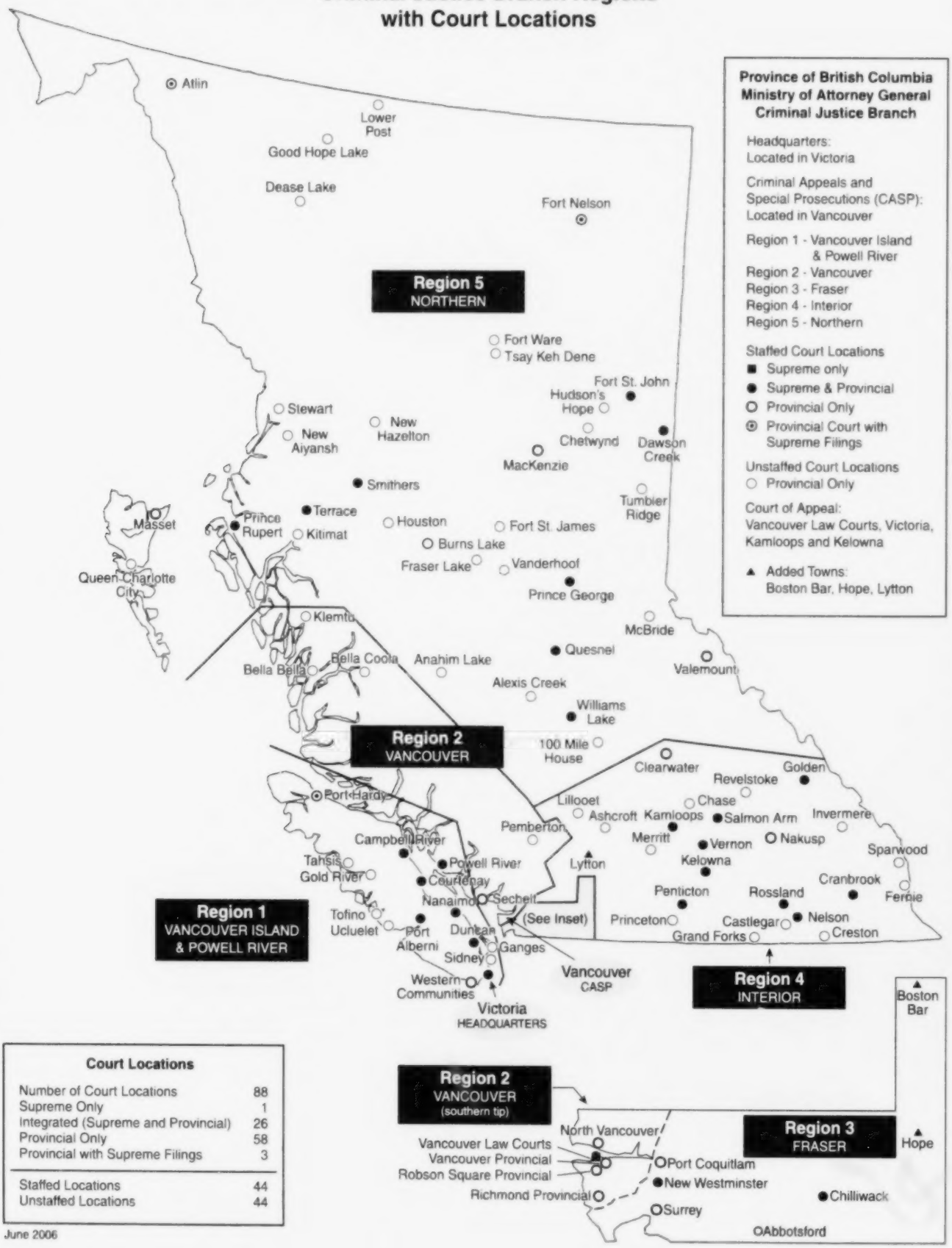
Business Plan Goal 2

Objective 2.1

Business Plan Goal 4

Objective 4.6

Criminal Justice Branch Regions with Court Locations



Court Locations

Number of Court Locations	88
Supreme Only	1
Integrated (Supreme and Provincial)	26
Provincial Only	58
Provincial with Supreme Filings	3
Staffed Locations	44
Unstaffed Locations	44

June 2006

The Criminal Justice Branch serves the Province through five regions plus Headquarters and CASP. Each of the regions are headed by a regional Crown counsel and a number of deputy regional Crown counsels. The following reports reflect the individual nature of each region, the differences in their geography plus their mix of rural and urban areas.

Note: a substantial number community outreach and public education activities performed by Criminal Justice Branch Crown counsel and prosecution support staff are listed in Appendix A of this report.

This year saw the completion of the Criminal Justice Branch 2005/06 – 2006/07 Business Plan, a rejuvenation of the planning committee structure and continued work in project management development.

HEADQUARTERS

Criminal Justice Branch Headquarters is located in Victoria, the provincial capital of British Columbia. Headquarters oversees the administration and management of criminal prosecutions in British Columbia, working closely with the branch's five regions and the Criminal Appeals and Special Prosecutions section (CASP).

Assistant Deputy Attorney General Robert W. G. Gillen, QC, (ADAG) oversees the operation of the branch as a whole. Supporting the ADAG in his duties are the Director of Policy and Legislation Richard de Boer, Director of Legal Services Geoffrey Gaul, Director of Management Services Jenny Manton and Branch Planner Brent Thompson.

This year saw the completion of the branch's 2005/06 – 2006/07 Business Plan, a rejuvenation of the planning committee structure and continued work in project management development.

The Policy and Legislation Team manages all matters relating to the implementation of policy and legislation as well as other specific areas of responsibility. A primary focus is to assist Crown counsel throughout the province by providing timely, comprehensive materials and advice concerning policy matters and changes in legislation. A significant accomplishment this year was the complete revision of the Crown Counsel Policy Manual. This particular project was accomplished by the Crown Counsel Policies and Procedures Committee of Branch Management Committee, with significant assistance from the team.

In other areas, under the Policy and Legislation Team, work continues on the JUSTIN-PRIME interface project, which has seen the advancement of an electronic interface between the police community's PRIME and CJB's JUSTIN records management and case reporting systems. The team also operates the information and privacy program and the notification of professional bodies, and contributes to the management and development of the branch's legal technology initiatives.

The Legal Services Team provides and coordinates a broad range of specialized legal and operational advice to Crown counsel as well as senior ministry officials and all levels of government on issues, such as dangerous offenders and the High-Risk Offenders Identification Program (HROIP), aboriginal justice, direct indictments and contempt of court. Under the leadership of Director of Legal Services Geoffrey Gaul, the team is made up of Executive Secretary Janet MacKenzie, Crown Counsel Lee Porteous, Crown Counsel Roger Cutler, Communications Counsel Stan Lowe, Crown Counsel Art Hargrove (seconded), Crown Counsel Grace Oh (seconded), Receptionist/Legal Secretary Mary Melville, Legal Secretary Jill Appleton, Legal Secretary Gail Bettger and

continued...

Headquarters *continued...*

Writer/Communications Officer Heather Smart plus Manager Ron Hurt and Legal Secretary Wendy Petersen of the HROIP, whose office is in Vancouver. Myron Claridge, who works with the ministry's Criminal Justice Reform Office, is designated Crown counsel for the purposes of fulfilling his role as the prosecutor on the province's Hate Crime Team with a reporting relationship to the Director of Legal Services.

Through the Legal Services Team, under the expert guidance of senior Crown Counsel Rick Isaac, requests for the extradition of accused persons from other countries are made in a timely and uniform manner. The team also makes applications for mutual legal assistance to obtain evidence from other countries for use in prosecutions in BC.

A person accused of a *Criminal Code* offence in Canada has the right to have their trial in either French or English, and it falls to the Legal Services Team and members of the Bilingual Prosecution Group to ensure that an accused who wants to have a trial in French can do so. The Bilingual Prosecution Group is lead by the Director of Legal Services and is comprised of Pinder Cheema, QC, and Robin Baird (Region 1); Dolfi Havlovic and Michele Peacock (Region 2); and Pierre Gagnon and Miriam Maisonville (CASP). This year saw members of the group handle a dozen cases throughout the province, in both Provincial and Supreme Court. As a means of continuing professional development, this year had three members of the group participate in advanced language training in Ontario at the French Language Institute of Professional Development.

The branch's Environmental Prosecution Group is composed of John Blackman (Region 1), Ralph Keefer (Region 2), Jim MacAulay (Region 3), Jon Oliphant and Joel Gold (Region 4), and Ron Beram and Denise Payne (Region 5), who took over from Administrative Crown Counsel Christine Birnie in February 2006. The group is supervised by the Director of Legal Services and consists of Crown counsel who are specially assigned to prosecute environmental and wildlife cases throughout the province, many of which entail aboriginal rights issues. In addition to their prosecutorial duties, the Environmental Prosecution Group also provides advice on the development of other ministries' enforcement policies and procedures, review proposed legislation in the area of environmental and wildlife protection, and assist in the training enforcement officials. This past year saw the departure of the group's de facto leader, when senior Crown Counsel Brian Rendell left Headquarters to become the executive director of the Ministry of Environment's Compliance Division. We wish Brian well in this new and exciting endeavour.

The Legal Service Team's Communications and Media Relations Unit is composed of Communications Counsel Stan Lowe and Writer/Communications Officer Heather Smart. Under the general supervision of the Director of Legal Services, the unit handles media inquiries and ministry correspondence as part of its internal and external communications portfolio. During this past fiscal year, the unit produced the branch annual report for 2004/05, the final layout and printing of the 2005/06 – 2006/07 business plan, and updated and edited a final draft of the Employee Orientation Guide. The unit continues work on the re-establishment of a Criminal Justice Branch website presence on the Internet as well as the development of an in-house branch newsletter.

This year saw the passing of Bill C-2, an act that amends the *Criminal Code* (protection of children and other vulnerable persons) and the *Canada Evidence Act*, and which impacts the prosecution of cases involving pornography, voyeurism, child/vulnerable witness accommodations, sexual exploitation and more. Working with staff of the Policy and Legislation Team, including Crown Counsel Wendy van Tongeren Harvey who was seconded from Region 3, as well as members of CASP, Crown Counsel Lee Porteous of

the Legal Services Team was instrumental in seeing that orientation materials and legal advice were provided to all prosecutors in a timely manner, thus helping to facilitate the smooth incorporation of these changes into daily practice.

The Management Services Team provides its services to the Criminal Justice Branch as a whole. They include financial and facilities management, human resources, information technology, management information systems and the provision of the CJB intranet. In addition, the team is the conduit for corporate services between the branch, the ministry and government-shared services agencies.

Over and above the general management of the $82 million branch budget in fiscal 05/06, employees of the Management Services Team chair and participate on many branch and ministry committees relating to corporate services and how they interrelate with the core business of the branch—prosecutions. A key committee within the branch is the Management Services Committee, chaired by Director Jenny Manton and comprised of Headquarter representatives and regional managers of administrative services. The committee's mandate is to ensure corporate services are managed in an effective and consistent manner throughout the organization. The team director is also a member of the Heads of Prosecution (HOP) Business Group. In addition to working on assignments from HOP, the business group shares management practices and information from jurisdictions across Canada.

Past year accomplishments managed and/or produced via the Management Services Team include: highly accurate branch budget forecasting with actual expenditures for the fiscal year within one-half per cent of projections; the launch of the Management Information System (MIS) Reporter, which easily provides standard statistical reports to designated staff; distribution of the Local Incident Response Guide for emergencies to all Crown offices; participation at Regional Management Committee meetings to increase communication and knowledge about branch technology initiatives; facilitation of several Threat and Risk Assessment Reviews to improve levels of security; initiatives to strengthen data security, including the Identity and Access Management Project; and ongoing improvements to the CJB intranet site.

The Litigation Management System (LMS) is being piloted and managed under the Management Services Team. This year's successful LMS testing means the project will move into the operational phase in the coming year. There are close to a dozen major cases in line to use the LMS program, also known as Ringtail. Crown Counsel Jim Hughes (seconded from Region 3), Office Manager Wendy Chaytor (seconded from CASP) and Systems Analyst Stan Khan (Headquarters) are instrumental in the steady advance of this project.

Throughout the year, Headquarters staff contribute to the Provincial Employees Community Services Fund (PECSF) as well as raise funds for the Christmas Bureau.

Crown Counsel Laura Ford, working for CASP out of Headquarters, and Legal Secretary Jill Appleton valiantly led the 05/06 PECSF campaign on behalf of Criminal Justice Branch Headquarters. To encourage all, a friendly competition was initiated with the Victoria Crown counsel office as to which office could obtain the most pledges on a per capita basis. Both offices attained a total of 16 pledges but Headquarters "won," having the lesser number of employees. The grand prize of the competition was a complimentary lunch with Victoria's Crown Counsel Nils Jensen and the Deputy Attorney General Allan Seckel, which was won by senior Crown Counsel Peter Insley in a random draw.

Following the adage of "putting away for a rainy day," Records Management Clerk Deborah Sherwood diligently collected a loonie every Friday from individuals at Headquarters for the provision

continued...

Headquarters *continued...*

of food hampers and turkeys to less fortunate people through the Christmas Bureau, in addition to assisting a family in need at that time. Legal Secretary Melissa McGiffin, also working for CASP from Headquarters, and Writer/Communications Officer Heather Smart coordinated the loonies collected by Deborah and other individual staff donations. Following shopping and wrapping gifts for the family, which included the assistance and generosity of fellow employees, Melissa and Heather delivered a bounty of foods and gifts to a mother and her three young children.

A large part of the work performed at Headquarters is collaborative, involving a cross-section of employees from the three Headquarter teams and planning, and often including staff from the regions and CASP. All staff work together on various initiatives and projects in support of the prosecution function.

Last year, six Crown counsel joined Headquarters on temporary assignments to work on specific projects, and to provide their expertise and perspective to HQ operations. Region 3's Wendy van Tongeren Harvey worked with Headquarters' Crown Counsel Lee Porteous on material development and the delivery of education to prosecutors for Bill C-2 implementation. Also from Region 3, Henry Waldock supported the ADAG's work with the national Heads of Prosecution group, and Shirley Pedersen provided computer training and developed a long-term training plan. David Fitzsimmons and Grace Oh were seconded from Regions 1 and 2 respectively. David assisted the branch with the implementation of the *Sex Offender Information Registration Act* (SOIRA) and Grace worked with the Legal Services Team on matters pertaining to alternative measures, firearms and the *Youth Criminal Justice Act* (YCJA). Upon completing her secondment, Grace took on a much more involved assignment with the birth and addition of a second baby girl to her family. When CASP's Art Hargrove returned from world travels while on a deferred leave, he took over the SOIRA portfolio as well as his prior duties in handling YCJA issues.

Along with secondments, Headquarters had its share of people coming and going during 05/06 fiscal. Senior Crown Counsel Brian Rendell accepted a secondment opportunity with the Ministry of the Environment to become the executive director of its Compliance Division. Systems Analyst Barbara Jones secured a permanent position and continues to work directly with Crown Counsel Debbie Harris on the JUSTIN/PRIME interface implementation. Systems Analyst Rhonda Renning came on board in early fiscal, bringing her business analysis experience to the branch's many technology projects. Carin Boon secured a permanent secretary position with the Management Services Team, and Mary Melville permanently took over the receptionist/secretary position. Last fall, Crown Counsel Dan Scanlan officially joined Headquarters when he successfully competed for a position responsible for legal technology issues along with other matters; Crown Counsel Tom Burns rejoined Headquarters to assist the ADAG as well as the Legal Services and the Policy and Legislation Team; and Legal Secretary Sian Haakonson was hired to take up work as a result of Pam Sivertson's leave of absence. In December, Office Manager Gail Lane went on a one-year temporary assignment and she is sorely missed. In her absence, Executive Coordinator Eileen Watson has taken on several of Gail's duties with some specific aspects of the office manager function going to Assistant Manager of Finance and Administration Jenny Yang, Clerk Stenographer Sandy Whitney and Records Management Clerk Boyd Stanway.

Several Headquarters staff attained service milestones with the branch during 05/06 fiscal. Director of Management Services Jenny Manton, High Risk Offenders Identification Program Manager Ron Hurt, Records Management Clerk Boyd Stanway and Legal Secretary Pam Sivertson all attained 10 years with the

branch. Crown Counsel Roger Cutler, Director of Legal Services Geoffrey Gaul, Systems Manager Stephanie Lee and Communications Counsel Stan Lowe all reached 15 years with CJB. Clerk Stenographer Sandy Whitney also attained 15 years—however, because Sandy worked for the branch for over 12 years prior to taking a three-year break in 1987, her tally of years worked with the branch is at least 27 years! And Executive Secretary Janet MacKenzie chalked up a respectful sum of 20 years with CJB in January 2006, having commenced her career with the public service in 1980. All are congratulated for their significant contributions to the branch and to Headquarters!

REGION 1: VANCOUVER ISLAND & POWELL RIVER

Region 1, the Vancouver Island-Powell River Region, serves close to 100 communities plus 34 police detachments throughout Vancouver Island and Powell River on the Sunshine Coast. The regional office is located in Nanaimo and there are nine local offices in Victoria, Colwood, Duncan, Nanaimo, Courtenay, Port Alberni, Campbell River, Port Hardy and Powell River.

The Executive Management Team is composed of Regional Crown Counsel Jennifer Power; Deputy Regional Crown Counsel Glenn Kelt, QC, (North Island); Deputy Regional Crown Counsel Christine Lowe (Victoria/Colwood); and Manager of Administrative Services Brian Anderson.

The Regional Management Committee (RMC) includes managers from the Executive Management Team plus the following administrative Crown counsel: Steve Salmond (Victoria), Paula Donnachie (Colwood), Brad Tomlin (Duncan), Ron Parsons (Nanaimo), Bruce Morrison (Courtenay), Steve Stirling (Port Alberni), Adrienne Venturini (Campbell River), Leslie Fillingham (Port Hardy) and John Sinclair (Powell River). RMC meets at least three times a year.

The region actively pursued staff training and development programs throughout the fiscal year in areas such as computer beginner and refresher courses, local and out-of-province criminal and legal conferences and workshops, and other self-help courses offered by the BC Public Service Agency.

In 2005, numerous Region 1 Crown counsel attended the successful May 2005 Spring Crown Counsel Conference in Whistler, chaired by Jennifer Power, as well as the 2005 Fall Leadership Conference held in Richmond. In March 2006, Region 1 and Headquarters administrative and technical support staff participated in the 2nd Annual Support Staff Conference in Parksville.

Region 1 Crown counsel also participated in many police-based training courses across the island, as guest speakers and lecturers, and to share information about the changing aspects of the law. Crown counsel were also represented during many multi-agency and community-based meetings and task forces dealing with youth drug programs (such as crystal methamphetamines and cocaine), mental disorders, and programs related to First Nations restorative justice, community safety and youth justice.

Brad Tomlin, Glenn Kelt, Bruce Goddard and Bob Richardson participated in the February 2006 National Joint Committee workshop co-hosted by Correctional Services Canada Vancouver Island Community Corrections, Nanaimo RCMP and the National Joint Committee of Senior Criminal Justice.

A large contingent of Region 1 Crown counsel took part in community outreach programs to educate the public and other justice partners about the role of Crown counsel in the justice system. These programs were carried out in the form of speaking engagements at Nanaimo's Malaspina College, Victoria's Camosun College, Port Alberni's North Island College, as well as various lectures at local high school law classes.

continued...

Region 1 *continued...*

During the year, Victoria Crown teamed up with the University of Victoria's Law School to mentor and coach an advocacy team, while Port Alberni and Nanaimo Crown continued to host high school and college students in various work experience, job shadowing and practicum programs. Victoria Crown also participated as guest-lecturers for a RCMP fraud investigation training course.

Duncan's Hugh Gwillim guest-lectured at the RCMP Island District Major Crime Investigators Workshop in Victoria on the topics of disclosure, judicial system, Charter issues and Crown counsel's role.

Jackie Gaudet, also out of Duncan, regularly attends multi-agency mental disorder meetings that include participation from the police, crisis responders, social workers and mental health workers.

Port Alberni Crown Counsel Steve Stirling and Gordon Baines travelled to Ahousaht on the west coast of Vancouver Island to meet with their community consultative group, chiefs and counsel members about restorative justice programs and criminal issues in the community.

David Kidd, also of Port Alberni, participates with psychiatrists, mental health workers, social workers, police, and other community groups and individuals in monthly meetings about mentally disordered offenders.

A momentous achievement for the region was the completion of the long-standing major facilities project in Victoria. To the delight of Crown and staff, the Victoria Crown counsel office now occupies a new and spacious location at 940 Blanshard Street, across from the courthouse building.

Gordon Baines is also a member of the Port Alberni Youth Justice Committee, which meets monthly with foster parents, police, restorative justice workers, probation officers and mental health workers to discuss youth problems in the community.

The preceding represents a small portion of the spectrum of community outreach and public education performed by Region 1 staff. See Appendix A for all CJB community out-reach details, with activities listed by individual names and regions.

In August 2005, Victoria's former Youth Administrative Crown Counsel Anne Wallace, QC, left the region to begin her new career as a provincial court judge.

Several new staff were welcomed to Region 1 during 05/06 fiscal. Office Manager Jennifer Unwin, formerly of Court Services, started in February 2006 and divides her time between Port Hardy and Campbell River offices. Also new to the Nanaimo Crown counsel office is multi-lingual Crown Counsel Marie-Sophie Poulin, originally from Quebec, who is fluent in French, Mandarin and English. Also hired during this fiscal period were Crown Counsel Peter Juk from the Legal Services Branch and Patrick Weir from the federal Crown, who joined the Victoria Crown counsel office.

New regular support staff hires for the region during the past year include Witness Notifier Andrew Morton, Legal Secretary Michelle Gomm and Legal Secretary Katie Hartshorn, all with Victoria Crown; and Nanaimo Regional Crown Office Receptionist Lisa Fraser.

After devoting a considerable amount of time with the Air India prosecution team, Region 1 is pleased to welcome back Pinder Cheema, QC, who can be found most days at the Colwood Crown counsel office. Crown Counsel David Fitzsimmons returned to the

Campbell River office after a one-year secondment to Headquarters, and Crown Counsel Sandy MacDonell is on secondment to Duncan from the Smithers office in Region 5.

A momentous achievement for the region was the completion of the long-standing major facilities project in Victoria. To the delight of Crown and staff, the Victoria Crown counsel office now occupies a new and spacious location at 940 Blanshard Street, across from the courthouse building.

Examples of notable files prosecuted within Region 1 in the past year are as follows.

R. v. Purdy – During the early morning hours of December 12, 2003, Kelvin Purdy drove from his Duncan home to Nanaimo and fatally stabbed his former wife, Denise Purdy. The victim, a mother of two young children, succumbed to her stab wounds as she headed for work on the street outside her home. DNA-led evidence and the work of Crown Counsel Hugh Gwillim and Frank Dubenski, the local RCMP, and the RCMP Forensic Lab led to Purdy's conviction of second-degree murder in 2005.

R. v. Osmond – In April 2004, 13-year-old Kayla John went missing in the tiny, isolated community of Zeballos. A massive hunt was organized and her body was found buried under a woodpile, about six metres from the back fence of her home. Kayla had been sexually assaulted. Several weeks later, 21-year-old George Osmond was arrested and charged with her death. The night before Kayla's disappearance, Osmond was drinking with Kayla's mother, and he was asked to do some yard work not far from where her daughter's body was eventually located. Crown Counsel Scott Van Alstine, QC, and David Fitzsimmons successfully prosecuted Osmond, who was convicted of first-degree murder in December 2005.

R. v. Literski – The accused was charged with the second-degree murder of her four-year old daughter by feeding the child sleeping pills and smothering her with a pillow. At the time, Astrid Literski was in a bitter child custody dispute with the child's father and the court had recently ordered their daughter to attend the school chosen by him. A preliminary hearing was held in early 2004. By mid-January 2005, the accused had terminated her relationship with defense counsel, and informed the court she wished to plead guilty to first-degree murder and did not wish to be repre-sented by counsel. At the suggestion of Crown Counsel Scott Van Alstine and Colleen Smith, an *amicus curiae* was appointed. In late February 2005, the court accepted a guilty plea to the charge of second-degree murder. Astrid Literski was subsequently sentenced to life, with no parole eligibility for 12 years.

R. v. Bartkowski, Brown and McLay – The details of this case attracted considerable media attention. All three men were charged with the brutal first-degree murder of Noel Thibault in 2002. The victim was kidnapped, beaten and stabbed to death. He was found gagged and hog-tied in the trunk of a stolen car, which was torched so the body would not be recognizable. Police were called when someone noticed smoke billowing from the vehicle the next morning. The Crown chose to try Steve Bartkowski, Bradford Brown and Grady McLay together but BC Supreme Court Justice Malcolm Macaulay ordered Brown and McLay freed just before the jury retired for deliberations. Crown Counsel Carmen Rogers and Jeff Johnston prosecuted Bartkowski for first-degree murder. He was sentenced to life in prison, with no possibility of parole for 25 years.

R. v. Johnson – This case stems from 1997 attempted kidnappings and sexual assaults in Nanaimo by Andrew Paul Johnson, who had disguised himself as a policeman. Johnson had a prior history for similar offences on the east coast. Crown counsel were successful in obtaining a dangerous offender designation for Johnson but it was set aside by a Supreme Court ruling. In 2005, Crown Counsel Ruth Picha and Regional Crown Counsel Jennifer Power proceeded to a third hearing and, in March 2006, the courts declared Johnson a long-term offender.

REGION 2: VANCOUVER

Region 2, also known as the Vancouver Region, is comprised of the cities of Vancouver, Burnaby, Richmond and North Vancouver; the districts of North Vancouver, Sechelt and Squamish; the municipalities of West Vancouver and Whistler; and the Village of Pemberton. Region 2 is also responsible for prosecutions arising in Bella Bella and Bella Coola, which are a part of the Judicial County of Vancouver.

The region is budgeted for 108.2 and 69.23 full-time equivalent (FTE) positions, for Crown counsel and for support staff respectively. Approximately 20 per cent of Crown counsel and two per cent of support staff work part-time in the region and share FTE positions. Accordingly, the number of employees is higher than the allocated FTE positions.

The Vancouver Region was responsible for conducting the prosecutions of a number of serious and high-profile offences in the past year.

Mike Luchenko and Todd Buziak conducted a first-degree murder re-trial in *R. v. Dove*, after the accused's successful appeal from his conviction on the first trial.

Hank Reiner, QC, and Liz Campbell conducted the *R. v. Bonisteel* prosecution, which involved the double murder of two teenage girls whose bodies were found in Richmond.

Paul Dohm and Jonathan Israels conducted the first-degree murder prosecution in *R. v. Turpin*, which involved the murder of a young woman in her home in the presence of her young baby.

Brendan McCabe and Paul Dohm conducted the prosecution of *R. v. Bakker*, which in-volved serial assaults upon prostitutes and charges under the relatively new *Criminal Code* sections involving exploi-tation of children occurring outside Canada, pursuant to Section 7(4.1) of the *Criminal Code*.

Marie Louise Ahrens and Emmet Duncan were responsible for the conduct of the *Bush* case, which involved an attempt by a special interest group to charge the President of the United States with crimes relating to the treatment of prisoners in the Iraq conflict. The matter was eventually dismissed by the Supreme Court of British Columbia.

Ralph Keefer conducted the prosecution of a Vancouver realtor who poisoned trees on the "Golden Mile" of Vancouver's Beach Avenue to improve her view and enhance the value of her property.

Selena Chu and Mike Luchenko conducted the prosecution of *R. v. Azak*, a case involving the murder of an elderly man in his home by a young woman under the influence of alcohol, who broke into his home and stabbed him.

Alison Crowe conducted the prosecution of *R. v. Irwin*, a case involving a murder on the Sunshine Coast in which a local resident killed his mother who had flown out from Kelowna to visit him.

Gillian Parson argued the case of *Corbett* in the Supreme Court, which led to a ruling and precedent that conditional sentence orders do not extend to *Motor Vehicle Act* proceedings.

Crown counsel are now facing constitutional challenges to the *Sex Offender Information Registration Act*. Constitutional arguments are being dealt with by the ministry's Legal Services Branch, and the merits of applications and challenges are being handled by the Crown counsel who had conduct of the trials that are the subject of the constitutional challenges.

At Vancouver Provincial Court, Paul Barclay had conduct of *R. v. Norris*, which involved the prosecution of a skid row drug enforcer for assault causing bodily harm, extortion, unlawful confinement, and use of an imitation firearm in the commission of an indictable offence. The case was particularly significant because of the background of the accused and the circumstances involving the victim. In addition, there were a number of issues concerning witnesses that the Crown had to deal

with in order to pursue a successful prosecution.

Acting Administrative Crown Counsel Kathy Murphy conducted a number of matters as well in the past year at Vancouver Provincial Court, including a preliminary inquiry into the attempted murder of a five-year-old girl by her mother.

There were a significant number of organizational developments and changes in 2005–06. We have the pleasure of acknowledging and congratulating a number of employees for the length of their service and their commitment to the Criminal Justice Branch.

Staff who achieved their tenth year of service with the branch are Crown Counsel Bob McIntosh, Legal Secretary Val Belina, Legal Secretary Donna Leslie, Crown Counsel Joanne Verrier, Legal Secretary Sylvie Doerksen, Secretary Pauline DeCloedt and Crown Counsel Kathy Ford. Achieving their fifteenth year of service are Crown Counsel Simon Richards, Clerk Stenographer Karon Lovell, Crown Counsel Pamela Kinloch, Crown Counsel Judy Riddle, Crown Counsel Marjorie Munkley, Crown Counsel Anita Ghatak, Crown Counsel Ralph Keefer and Legal Assistant Shona McEnhill.

Staff who attained their twenty-fifth year of service and were recognized by the government for their long service include: Deputy Regional Crown Counsel Craig Dykes, Administrative Crown Counsel Liz Wolfram, Crown Counsel Allan Flanz, Crown Counsel Garth Gibson and Office Manager Kathy Berringer.

Crown Counsel are now facing constitutional challenges to the *Sex Offender Information Registration Act*.

Three colleagues retired in early 2006. Secretary Pauline DeCloedt retired in January from the North Vancouver office. A well-attended farewell reception was held at the Royal Vancouver Yacht Club in February for Crown Counsel Allan Flanz, who retired from the regional office. A luncheon was held for Witness Notifier Coreen Kerr who retired from the regional office in March after a 28-year public service career.

In December 2005, Region 2 was pleased to learn that Crown Counsel Greg Weber and Crown Counsel Sandy Cunningham had received Queen's Counsel appointments.

Greg Weber has practised as Crown counsel in the lower mainland since 1975. In addition to assuming the conduct of serious, high-profile prosecutions, Greg is a well-recognized mentor to others and has lectured on the subject of jury addresses at the UBC Law School.

Sandy Cunningham has practised as Crown counsel since 1978. In addition to carrying out responsibilities as the administrative Crown counsel at Youth/Traffic Court, Sandy devotes a considerable amount of time to the development and teaching of advocacy courses. Sandy also has the direct responsibility for training new Crown counsel who are assigned to Youth Court.

In the past year, Paul Dohm was appointed to the Provincial Court Bench. While many staff are sorry to lose Paul's expertise and companionship, he is wished the very best in his judicial career.

In 2005, Region 2 welcomed Maureen Wiekenkamp as manager of administrative services. It has been a particularly busy year for Maureen, partly because of a joint Vancouver Region and Fraser Region Legal Officer 1 and Legal Officer 2 competition held in late 2005.

In addition to carrying out their responsibilities as prosecutors, Crown counsel throughout the region have taken notable advantage of the expanded availability of professional development courses. Thanks

continued...

Region 2 *continued...*

go to Crown Counsel Cal Deedman and Laura Ford, who are responsible for the delivery of learning opportunities to Crown counsel.

During the last year, Vancouver Region Crown counsel participated in the Crown Advocacy Lecture Series (Sentencing), the Richard Cairns Cross-Examination Lecture, New Crown Basic Training, the National Criminal Law Conference, the Vancouver Police Department Homicide Investigators Course, the BCIT Forensics Course, the Pacific Legal Technology Conference, a major crime investigators course, a course on sexual assault investigations, a wrongful convictions course, the Western Canada Robbery Conference and the Forensic Psychiatric Conference. Region 2 also sent a representative to the International Society for the Reform of Criminal Law Conference.

Historically, at any given time, a significant number of Vancouver Region Crown counsel are on authorized leaves of absence. Last year proved to be no exception to this fundamental demographic rule and, as in past years, the leaves created organizational challenges for administrative Crown counsel, the manager of administrative services and office managers. Approximately 19 per cent of Region 2 prosecutors took an authorized leave for reasons that include maternity leaves, parental leaves and secondments to other areas of the branch or the criminal justice system.

In 2005, six new full-time equivalent Crown counsel positions were approved by Headquarters to support the fact that Vancouver Region can anticipate at least six Crown counsel taking maternity or parental leaves in any year. This approval, together with the development of additional vacant full-time equivalent positions in both the Vancouver and Fraser Regions, led to a decision to post a Legal Officer 1 and Legal Officer 2 competition involving a joint panel.

Regional Crown Counsel Terry Schultes (Vancouver Region) and Regional Crown Counsel Melissa Gillespie (Fraser Region) assumed the responsibility as panellists for the competition. The interviews conducted by Terry and Melissa took 25 days to complete over an eight-week period, from October through to December 2005. Terry and Melissa interviewed approximately 120 candidates. The competition was completed in January 2006.

As a result of this competition, both regions benefited from hiring Crown counsel for vacant positions and from creating eligibility lists for both the Legal Officer 1 and Legal Officer 2 categories. This competition marks a departure from hiring through the auxiliary process by Region 2.

In addition to the work of Terry and Melissa, the competition created a significant challenge for Manager of Administrative Services Maureen Wiekenkamp and other support staff in the Vancouver Region. Region 2 wishes to acknowledge and thank our support staff, as well as the Fraser Region Crown counsel and support staff for their contribution and assistance in working with Vancouver Region during this lengthy competition.

The Crown counsel office located at the Vancouver Provincial Court is responsible for prosecutions in the largest courthouse in the province for offences committed in the City of Vancouver and the City of Burnaby. It also staffs the Bella Bella and Bella Coola circuit court. Deputy Regional Crown Counsel Marion Paruk is responsible for the operations of our office at Vancouver Provincial Court.

Vancouver Provincial Court received 12,182 Reports to Crown Counsel from the Vancouver Police Department (VPD) and the Burnaby RCMP in 2005. In addition, Translink officers were made full-fledged police officers in the past year with their own police agency identity. Accordingly, Vancouver Provincial Court is starting to receive Reports to Crown Counsel from this agency.

In 2005, the VPD hired 50 additional police officers as well as additional civilian employees. The additional

hirings increased the authorized number of police officers to 1,174 police officers. Vancouver City Council approved an additional 50 police officers and 27 civilian employees for 2006, subject to a report being submitted by the VPD to city council setting out ways in which the police department could potentially reduce costs in other areas of its operations.

It is unclear what exact impacts the Translink policing agency and the increase in VPD staffing will have for the Crown office at Vancouver Provincial Court but it is anticipated there will be an increase in the number of Reports to Crown Counsel.

In addition to increasing the number of police officers, the VPD will be resuming responsibility for the operations of the Vancouver Jail, taking over from Corrections, effective April 1, 2006. It is anticipated the shift of responsibilities and the changes in operations will cause a number of adjustments for staff at Vancouver Provincial Court.

The Vancouver Provincial Court office continues to manage a very successful program of seconding articling students from the private bar for a calendar month to staff the First Appearance court (Court 100). The secondment also provides articling students with opportunities to derive some trial experience. Administrative Crown Counsel Liz Wolfram is responsible for this program.

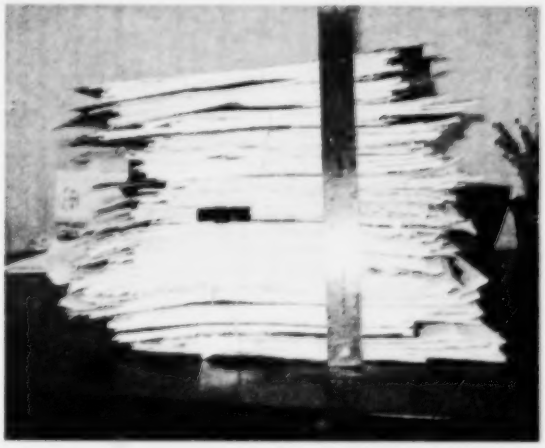
As the largest office in the entire branch, Vancouver Provincial Court is often a source of prosecutors for assignments to other parts of the region as well as outside the region. Crown Counsel Debbie Granger is currently on secondment to the ministry's Criminal Justice Reform Office. Crown Counsel Geordie Proulx is on secondment to the Organized Crime Unit, and Crown Counsel Nicola Mahaffy is on leave with the Public Prosecutions Office in the Republic of Ireland. Crown Counsel Mitch Dufresne is on leave in Haiti, working on a number of justice-related projects.

Vancouver Provincial Court Crown counsel also regularly assist in coverage for other offices and assume the responsibility of prosecuting cases at the regional office.

Crown counsel leaving the Vancouver Provincial Court Office during fiscal 05/06 include Todd Buziak and Lauren MacKenzie, who took positions with Region 3; and Susan Brown, Liz Campbell and Anne Clark, who joined Criminal Appeals and Special Prosecutions.

Crown Counsel Peter Stabler returned from the Auto-Theft Task Force and is active in coordinating identity theft cases for Regions 2 and 3 out of the Vancouver Provincial Court office.

As a reflection of the responsibilities involved in managing the office at Vancouver Provincial Court, Anne Boyle, who was office manager for a number of years, was reclassified as a district administrator.



This immense stack of applications for the posting of a Legal Officer 1 and Legal Officer 2 competition for both Vancouver and Fraser regions resulted in the interviews of 120 candidates by Regional Crown Counsel Terry Schultes and Regional Crown Counsel Melissa Gillespie, from October to December 2005.

In her new role, Anne sits on a number of committees relevant to the operations of Vancouver Provincial Court, including the Human Resources Committee (planning), the Regional Integrated Technology Committee and the Management Reports Committee.

Office Assistant Jordana Finlay sits on the JUSTIN User Committee in addition to her regular responsibilities. Jordana also assisted with the implementation of the JUSTIN 10g interface. Supervisor/Legal Secretary Ellie Ericson and Legal Secretary Veena Sharma have assisted with the Vancouver Police Department JUSTIN/PRIME interface.

continued...

Region 2 *continued...*

Throughout the year, in addition to carrying out their position responsibilities, Crown counsel have participated as instructors and panellists in a number of internal professional development seminars. The professional development seminars took place at intervals throughout the year. Terry Schultes and Geordie Proulx were seminar leaders for sessions organized by Mary Ainslie and Karima Andani on a monthly basis.

As a result of the Legal Officer 1 and Legal Officer 2 competition held in late 2005, a number of new Crown counsel have joined the office at Vancouver Provincial Court. In response to the arrival of new Crown counsel, professional development sessions were set up at Vancouver Provincial Court, covering the topics of the role of the Crown, running a courtroom, the view from the bench, impaired driving, driving while prohibited, and sentencing. Vancouver Provincial Court judiciary as well as Crown counsel continue to participate as panellists in these seminars for our new colleagues.

The contribution of Vancouver Provincial Court Crown counsel to both the legal profession and the community in general was significant last year. Numerous staff have donated time to the Law Courts Education Society community outreach program as presenters, panellists and authors of papers on criminal law practice. Other outreach activities include work with the University of British Columbia (UBC) Criminal Law Clinic, advocacy training for UBC law students, presenting on various topics to prosecutors and other justice personnel from the Republic of China, volunteering as board members or in other capacities with justice and community organizations, speaking to groups about Bill C-2, provision of training to police detachments, involvement with the Canadian Bar Association and raising money for the Lawyer's Assistance Program.

Region 2's many noteworthy community outreach efforts are listed by individual names in Appendix A of this report.

Meaningful contributions in the workplace for Vancouver Provincial Court are highlighted here.

Administrative Crown Counsel Kathy Murphy, in addition to mentoring new Crown counsel, has implemented a file management process for her team. The new process has resulted in a more efficient and effective movement of her team's files through the Vancouver Provincial Court office system.

Crown Counsel Daniel L. Mulligan represented the branch on the Street Crime Working Group, which reported to the Justice Review Task Force. In October 2005, the group's report, "Beyond the Revolving Door: A New Response to Chronic Offenders" was released to the public.

Dan is also responsible for a pilot project in which provincially prosecuted cases are referred to the Drug Treatment Court in Vancouver.

In July 2005, to assist new Crown counsel and articled students who are hired on monthly secondments at Vancouver Provincial Court, Dan reviewed and updated a manual entitled "Court 100: A Guide for Articled Students."

Crown Counsel Brian MacFarlane contributed to the branch as a member of the Crown Counsel Policies and Procedures Committee (planning).

Crown counsel and support staff in Vancouver Provincial Court also contribute to their communities beyond their work and there were a number of personal goals achieved last year as well.

After being "away from school" for 26 years, Clerk Stenographer Maureen Schofield completed her first year of post-secondary education in 2005, and attained President's Honour Roll status. Maureen is working towards an Associate Degree in Psychology and plans to go to Simon Fraser University for her Bachelor of Arts degree.

Crown Counsel Kristin Bryson is on the community council for the Vancouver-Burnaby Society for the Prevention of

Cruelty to Animals and is a member of the provincial board of directors for the SPCA.

When not at work, Dan Mulligan focuses on youth, as a soccer coach for children and a manager of both a girls' soccer team and a boys' baseball team.

In June 2005, Legal Secretary Tracy Kohinski completed her first half-marathon as a participant in the Scotia Bank Half-Marathon. The challenge of training and overcoming her doubts was incredible because it was her first experience ever in long-distance running. Tracy says, "in fact, I started out running the distance from one telephone pole to another." Training and competing at this level plus being a role model for her son made this a fantastic experience for Tracy. She went on to run the Victoria Half-Marathon in October 2005, achieving an improved time and proving anything is possible. Tracy is now training for her second Scotia Bank Half-Marathon.

The regional Crown counsel office in Vancouver is responsible for the prosecution of matters in the British Columbia Supreme Court in Vancouver. It houses a group of very senior Crown counsel skilled in the prosecution of homicides and other serious offences, as well as less experienced prosecutors who are honing their skills in the conduct of trials in Supreme Court. Jean Connor is the administrative Crown counsel at the regional office. Regional Crown Counsel Terence Schultes and Deputy Regional Crown Counsels Craig Dykes and Mary Tait are located at the regional office as well.

It is unclear what exact impacts the Translink policing agency and the increase in VPD staffing will have for the Crown office at Vancouver Provincial Court but it is anticipated there will be an increase in the number of Reports to Crown Counsel.

In addition to the annual rotation of Crown counsel in August and January, the regional office experienced a number of staff changes. Jennifer Holmes transferred to the Organized Crime Unit, Jonathan Israels left for private practice after five years with Crown, and Marie Louise Ahrens returned to the Prince George Crown office. And, as indicated previously, Allan Flanz and Coreen Kerr retired.

Crown counsel with the regional office also undertook a number of special projects and assignments, in addition to donating work and personal time to several community outreach and public education events. For a more complete list of CJB community outreach activities, see Appendix A.

Crown Counsel Sandra Dworkin, Hank Reiner and Karima Andani participated in the first pilot of Ringtail, the litigation management software program. The pilot is a part of the Litigation Management System Project, which is under the guidance of Crown Counsel Jim Hughes from the Fraser Region. The program was successfully used to assist in sorting out the "labyrinthine contents" of the *Lanot* murder file.

Deputy Regional Crown Counsel Craig Dykes and Regional Crown Counsel Terry Schultes were involved in the negotiations and meetings leading to protocols recently established with police agencies regarding disclosure issues as well as procedures in relation to "E-files."

Crown Counsel Andrew Cochrane took part in the committee looking into the establishment of a community court system for the Downtown Eastside.

In the last year, Gillian Parson committed extra time to setting up the Summary Conviction Appeal Factum Index, which will significantly assist prosecutors conducting research on subjects covered by summary conviction

continued...

Region 2 *continued...*

appeals heard in the past few years. The index will also assist Crown counsel throughout the province in taking a uniform position on many of the issues covered by the appeals.

Gillian also established an up-to-date system for summary conviction appeal case updates, which is distributed to all administrative Crown counsel and any staff who request to be on the mailing list. Gillian's efforts are assisting Crown counsel in remaining current about *Summary Conviction Act* issues and rulings.

In the past year, Crown counsel at the regional office participated in teaching, provided papers and lead seminars for courses offered by Continuing Legal Education, the People's Law School, and various public and private schools in the Vancouver area as well as community-based organizations such as Pathfinders (senior Girl Guides).

Regional office Crown counsel also participated in fundraising for cancer research, the SPCA, and People with Aids.

Region 2's Youth and Traffic Court office is based at Vancouver's Robson Square and handles all prosecutions arising under the *Youth Criminal Justice Act* as well as the prosecution of serious or complex traffic offences. Youth prosecutions include many serious violent offences, such as robbery and homicide. This office also acts as a training centre for the region's new Crown counsel.

Youth and Traffic Court Administrative Crown Counsel Sandra Cunningham, QC, a senior member of the branch, is responsible for the branch's advocacy skills training program for new Crown counsel. In the past year, Sandy organized two advocacy workshops for junior Crown counsel. In addition, Sandy has done a significant amount of advocacy teaching for other criminal justice organizations and departments and is also involved in training sexual assault nurse examiners on how to give evidence. Near the end of fiscal 05/06, Sandy Cunningham was seconded to the Organized Crime Unit at Criminal Appeals and Special Prosecutions.

In January, Youth and Traffic Court Office Manager Viki Vourlis resigned to take a position with the Ministry of Transportation. Her position was ably assumed by Frank Tallarico, one of the region's long-serving employees.

Our office at Youth Court serves the Burnaby RMCP and the Vancouver Police Department, as well as the Translink police and other provincial agencies who issue tickets that are prosecuted by the Crown in Traffic Court.

In the past year, Crown counsel at Youth Court were responsible for conducting a number of significant and complex cases. Dolfi Havlovic conducted the prosecutions of a number of French trials during the course of the last year.

Simon Richards prosecuted a youth charged with the aggravated assault (stabbing) of a complete stranger.

Carol Fleischhaker prosecuted another youth charged with the stabbing of a stranger, and is prosecuting a youth charged with breaking and entering and attempted murder, arising from a December 2005 home invasion in Burnaby in which the homeowner was shot in the face.

Kristen Gagnon and CASP's Mary Ainslie successfully argued the constitutionality of legislation under Section 486 of the *Criminal Code* that provides for the ability of children under the age of 18 to testify outside the courtroom, thus upholding Bill C-2 (Protection of Children and Other Vulnerable Persons).

Youth Court Crown counsel are involved with a number of community groups that have youth and the law as their focus. In the last year, Crown counsel also appeared as panellists or speakers or participated as committee members for the Vancouver School Board, the Youth Forensic Psychiatric Commission, and the City of Vancouver's Youth and Family Justice Committee under the Restorative Justice Initiative. Crown counsel also worked

with school liaison police officers.

Youth Court Crown Counsel Christie Lusk and Alex Henderson participated as actors in the preparation of the instructional video for the implementation of Bill C-2, which demonstrates how witness accommodations work.

Beyond work related activities, Crown counsel and support staff at Youth Court adopted a family for Christmas, pursuant to an event organized by Legal Secretary Liz Langford. Staff purchased presents for a family of four and provided them with food for the holiday season. In addition, staff at the Youth Court office contribute to the food bank throughout the year.

Shannon Halyk is the administrative Crown counsel for Region 2's North Vancouver office. North Vancouver serves eight police detachments—North Vancouver RCMP, the West Vancouver Police Department, the Squamish RCMP, the Whistler/Pemberton RCMP, the Bowen Island RCMP, the Sea to Sky Highway Patrol, the Port Mann Highway Patrol and the Stl'atl'imx Nation Tribal Police.

In 2005, North Vancouver received 2,602 Reports to Crown Counsel from the eight police detachments.

In addition to attending a number of professional development courses in the past year, Crown counsel in North Vancouver were also active in a several community conferences and public education events. See Appendix A for these community outreach activities.

Nancy Adams was involved in teaching the advocacy course to new Crown counsel, along with Sandy Cunningham.

Shannon Halyk, Jeremy Crowhurst, and Rod Flannigan provided training to the North Vancouver RCMP and Squamish RCMP on a number of issues related to criminal prosecutions.

Karen Wikberg is currently assisting with the ongoing testing of the new Quicklaw program and Jeremy Crowhurst assisted in the test run of Carswell Online for criminal law practitioners.

Maggie O'Shaughnessy represented the branch as Crown counsel in the first community conference pursuant to the *Youth Criminal Justice Act*, held at North Vancouver Provincial Court.

Shannon Halyk contributes as a member of the Workload and Resources Committee (planning).

As mentioned earlier in this report, Secretary Pauline DeCloedt retired in January. North Vancouver office staff also said a fond farewell to Crown lawyer Rod Flannigan when he returned to private practice.

Grant Wong is the administrative Crown counsel in Region 2's Richmond office. In addition to his administrative Crown counsel responsibilities, Grant was part of a branch technology training project, and participated in providing JUSTIN On-Line Charge Approval and JUSTIN New Crown training to prosecutors in regions 1, 2 and 3. Grant is chair of the Region 2 Information Technology Subcommittee and a member of the branch Technology Committee (planning) also. In addition, Grant produces and distributes periodic electronic newsletters to Region 2 staff, which provide information about technology developments and plans for the acquisition of improved computer and application resources. Often, Grant is the region's bridge between the "computer world" and the challenges staff face in implementing changes in this area.

The Richmond office receives Reports to Crown Counsel from the Richmond RCMP, the University RCMP (UBC) and the RCMP Deas Island Highway Patrol. In 2005, Richmond dealt with 1,394 Reports to Crown Counsel from these agencies.

Typical of Region 2, Richmond experienced a number of staff changes in the past year. Crown Counsel Joanna Ferguson commenced a maternity leave in December 2005. Crown Counsel Isobel Keeley returned from a maternity leave in March 2006 and joined the Richmond office. Office Manager Angela Taylor had triplets in July 2005

continued...

Region 2 *continued...*

and Susanne Smith Kerr will be leaving on a maternity leave in summer 2006.

In 2005–06, Gerri-Lyn Nelson and Susanne Smith Kerr continued their commitment to conducting bi-monthly training sessions for new police officers from Richmond and University RCMP detachments, including an entire day of hands-on impaired driving training and a general investigation training day. Other Richmond prosecutors have assisted them with training when they had days free from court. These sessions have been very well received and are much appreciated by the police.

The Sechelt Crown Counsel office serves the Sunshine Coast RCMP Detachment, which covers the Sunshine Coast from Port Mellon to Earl's Cove and adjacent islands. In 2005, Sechelt received 422 Reports to Crown Counsel.

Trevor Cockfield is the administrative Crown counsel for Sechelt. Trevor works with Crown Counsel Marion West who has worked at the Sechelt office for about a year since transferring from the Fort St. John Crown office.

In addition to carrying out his responsibilities as administrative Crown counsel, Trevor Cockfield is a member of the branch Crown Counsel Policies and Procedures Committee (planning).

REGION 3: FRASER

Region 3, the Fraser Region, consists of seven Crown offices: Port Coquitlam, Surrey, Chilliwack Supreme and Provincial Court, Abbotsford, New Westminster Provincial Court, New Westminster Supreme Court, and Pickton Prosecution.

Budgeted full-time equivalent positions for the region include 93 prosecutors and 77 administrative staff members. When part-time employees are factored in, the actual number of people working in the region exceeds these amounts.

The Regional Management Team for the Fraser Region consists of the following members: Regional Crown Counsel Melissa Gillespie, Deputy Regional Crown Counsel Fran MacLean, Deputy Regional Crown Counsel John Labossiere (Surrey), Acting Deputy Regional Crown Counsel Maurizio Dattilo (New Westminster), Manager of Administrative Services Judy Jordan, Administrative Crown Counsel Jocelyn Coupal (New Westminster), Administrative Crown Counsel Kimberly Jansen (Abbotsford), Administrative Crown Counsel Samantha Hulme (Port Coquitlam) and Administrative Crown Counsel Gregg Goodfellow (Chilliwack). This group is complemented by the following Crown counsel who have administrative roles in the region: Jim MacAulay, Marnie Westbury, Lena Dal Santo, Craig Yamashiro, Jim Lees, Sharlein Smith, Chantal Goodmanson, Ross McLeod, Susan McCallum, Wendy van Tongeren Harvey and Lyle Hillaby.

Regional Crown Counsel Melissa Gillespie was appointed to her position in June 2005, after serving as acting regional Crown counsel since February.

Specific reports for each office in the Fraser Region are detailed in this report.

The Port Coquitlam office has 17 Crown counsel and 14 support staff. It services Maple Ridge, Pitt Meadows, Port Coquitlam, Coquitlam, Port Moody and the Port Mann Freeway Patrol. Prosecutions in this area continue to grow in numbers and complexity given the increasing population.

There were many serious, high-profile cases prosecuted via the Port Coquitlam office during the 05/06 fiscal year.

Andrew MacDonald and Kim Wendel prosecuted *Nduwayo* and obtained convictions for six counts of aggravated sexual assault as a result of Nduwayo deliberately failing to communicate his HIV status.

Kim Wendel and Bob Bonner prosecuted the *Neumann* murder trial.

Chris McPherson and Jonas Dow worked on the youth trial involving the death of the gas

station attendant in Maple Ridge.

Jay Fogel and Wendy Stephen, QC, prosecuted *Post*, a first-degree murder charge involving the death of an 18-year-old female in Port Coquitlam.

Lyle Hillaby continues to conduct the province's mental disorder cases before the BC Review Board out of the Port Coquitlam office. His demanding but never boring work includes appearing at about 40 board hearings per month and conduct of cases at the Court of Appeal and, this year, included a visit to the Supreme Court of Canada. Having conduct of some of the province's most difficult cases, Lyle takes pride in maintaining the traditional Crown practice of quietly but vigilantly advocating in the interests of public safety and also reassuring the numerous stakeholders in the community of the effectiveness of the process. Lyle also acts as a resource to the Crown and other community justice system partners on subjects pertaining to forensic psychiatry, and participates in daily conferencing with trial Crown and, at least monthly, in professional collaborations with agencies concerned with mental disorder crime.

During the year, Veronica Couture became the office manager for Port Coquitlam, and both Clerk Stenographer Diane Siemens and Clerk Stenographer Maire Ruckle were recognized for reaching their 25-year milestones with the branch.

The Surrey Crown counsel office is the busiest office in Region and covers a large geographic area that encompasses Surrey, Delta, Whiterock, Langley, Fort Langley, Aldergrove, Port Mann Freeway Patrol and Deas Island Freeway Patrol. This area continues to experience unprecedented growth in population and, consequently, increasing criminal activity.

Staff with the Port Coquitlam office are proactive participants in a wide range of community outreach activities, such as presenting to and hosting and mentoring articling students and students of various levels of education; volunteering with the Law Courts Education Society; training police and other criminal justice system partners; plus committee, liaison and volunteer work focusing on troubled youth or combatting the use of crystal methamphetamines. Details of individual community outreach activities are listed by name in Appendix A of this annual report.

Many Port Coquitlam Crown counsel are involved in teaching and related areas in addition to their regular responsibilities.

Susan McCallum coordinates and mentors articled students, and college and university students who spend a semester working with the region. Susan also conducted a seminar with the local probation office and is involved in JUSTIN training seminars in the lower mainland.

Pete Ng, Jonas Dow, Susan McCallum, Jay Fogel and Kimberly Wendel are all involved in varying capacities with police training seminars in the Port Coquitlam area.

Andrew MacDonald mentored an SFU criminology student in winter and spring, and Kimberly Wendel mentors a high school student through the YMCA mentoring program.

Janet Dickie taught a session for new volunteers with the Coquitlam RCMP and Andrew Baldwin taught adult probation officers at the Justice Institute.

Andrew Baldwin is Fraser Region's liaison on the Riverview Forensic Psychiatry and Mental Disorders Committee.

continued...

Region 3 *continued...*

Jonas Dow is Fraser Region's representative on the Youth Diversion Committee in Maple Ridge and is the Crown liaison with schools in the Port Coquitlam area.

John Caldwell lead a series of morning training sessions about investigating impaired driving cases with each of the Port Moody Police Department's four watches in September 2005.

Port Coquitlam's Administrative Crown Counsel Samantha Hulme participated in the Maple Ridge Meth Task Force and the Tri Cities Meth Task Force. She coordinates the Crown involvement in police training, school lectures and the Law Courts Education Society Courtwatch program. Samantha is member of the Ridge Meadows Youth and Justice Advocacy Committee, Crown liaison on the Court User's Committee (and police subcommittee). This past year, she attended the CBA Local Bar Associations President's Seminar, the Pacific Region National Justice Committee Police-Parole Workshop and the Street Crime Task Force Public Forum. Samantha is the president of the New Westminster Bar Association.

Craig Giles and Jay Fogel are on the executive of Westclass, the Westminster Criminal Law Association. Jay prepares the legal update every month.

The Surrey Crown counsel office covers a large geographic area that encompasses Surrey, Delta, Whiterock, Langley, Fort Langley, Aldergrove, Port Mann Freeway Patrol and Deas Island Freeway Patrol. Surrey is the busiest Crown office in Region 3 and the area continues to experience unprecedented growth in population and, consequently, increasing criminal activity.

A number of law enforcement agencies are located in the Surrey area, including specialized RCMP investigative teams. Surrey Crown provide support to all of these teams, thus adding to the diverse workload of the Surrey Management Team. The team consists of Deputy Regional Crown Counsel John Labossiere, Administrative Crown Counsel Lena Dal Santo (major crime), Administrative Crown Counsel Marnie Westbury (major crime), Administrative Crown Counsel Craig Yamashiro (trials), Administrative Crown Counsel Chantal Goodmanson (charge approval), Administrative Crown Counsel Sharlein Smith (charge approval), Administrative Crown Counsel Jim Lees (arraignment team), District Administrator Cheryl Merrett, Office Manager Terri Wallace, Office Manager Catharine Sloan and Office Manager Sheila Thompson.

Surrey office experienced a year of re-building after numerous management changes in both the office and Fraser Region. Bob Bonner acted as Deputy Regional Crown Counsel from March to October 2005, when the need of the region for major crime prosecutors pressed Bob back into service in the courtroom. Bob now has conduct of five murders in various stages of prosecution.

Marnie Westbury and Lena Dal Santo took over the leadership and management of the Surrey office at a time when there was significant turnover. Surrey lost several prosecutors to positions within the branch, secondments, leaves and retirement. Consequently, Crown counsel staffing levels dipped to low levels. The team of Marnie, Lena, Craig Yamashiro and Maurizio Dattilo lead the office through this time of change. In response to personnel changes, Surrey office hired a number of new Crown in early 2006, including Jaskiran Gahunia, Sameena Nahal (from the Abbotsford office), Jodie Harris, Leanne Mascolo, Susanne Elliot and Navi Gill (from the Smithers office). The new Crown bring with them much energy and enthusiasm for the law and learning. Staff also look forward to the arrival of Justin Spivey from England, Claire Ducluzeau (from the Prince Rupert office) and Alistair Baird.

The arraignment team of Jim Lees and Brian Shaw worked with an array of prosecutors, including Liz Stafford before she left on her second maternity leave and Anne Fitzpatrick who was able to join them full-time after her lengthy Supreme Court murder trial commitments.

Working together, the team maintained the steady flow of early resolutions of files, thus keeping the court backlog in Surrey manageable.

The charge approval Crown counsel have been as busy as the rest of Surrey office. The group worked hard to make up for the loss of Al Adlem, and was headed by Maurizio Dattilo until February 2006, when Maurizio moved to New Westminster to take on the role of acting deputy regional Crown counsel. Chantal Goodmanson and Sharlein Smith agreed to share the duties of charge approval administrative Crown. Presently, Tona Maley, Carol Konkin and Don Buss round out the charge approval team.

The Surrey bail team lost a favourite member to retirement on December 31, 2005, when Sanford Cohen appeared in Courtroom 101 for his last day as a full-time Crown counsel. Sanford has since returned as an ad hoc Crown to assist Carol Konkin and Michelle Wray in the running of the bail court.

Surrey Crown counsel took part in many community outreach activities, as listed in Appendix A, some of which includes presentations and lectures to students and criminal justice system partners.

In addition to their regular job responsibilities, a number of Surrey Crown counsel also took on other roles, thus further contributing to the region and branch as well as their own office.

Michelle Wray guest-lectured at the Pacific Regional Training Centre and continues to conduct training sessions at local police detachments.

Marnie Westbury, with the assistance of Andrew Blunt and other Crown and defence counsel, provided officer training days for Langley RCMP recruits in the form of mock trials. The experience created continued communication between Crown and RCMP junior members regarding the preparation of materials for Crown counsel's review.

Lena Dal Santo is a member of the Human Resources Committee (planning), which is working on the implementation of the legal assistant pilot project in the branch. The committee is also reviewing the branch's recognition policy and assisting with succession planning.

Craig Yamashiro, Surrey's administrative Crown for trials, managed to direct all Surrey and ad hoc Crown to the thousands of trials set for hearing in Surrey's provincial courthouse. Despite the dwindling number of prosecutors, Craig made sure all courtrooms were properly staffed at all times. In his spare time, Craig is a regular speaker at the Surrey RCMP's Coaching In-Class Training for police recruits with the participation of Maurizio Dattilo and Chantal Goodmanson. Craig also took on the role of new Crown trainer, and meets regularly with new Crown to ensure they understand the workings of the criminal justice world.

Winston Sayson continues to be immersed in complicated major crime files prosecuted in Provincial Court. In addition to this, Winston is recognized as the office's student resource lawyer responsible for supervising students on a practicum from the University of the Fraser Valley. Winston dutifully takes at least one student each semester and ensures they have full exposure to criminal trial work in the Surrey office. Winston also actively mentors new Crown counsel.

Some of the notable prosecutions out of Surrey office are described as follows.

Michaela Donnelly joined Surrey office in February 2005, having previously worked at the Department of Justice. Since her arrival, Michaela has undertaken the prosecution of many serious major crime files. Most notably, with Don Wilson, is the prosecution of Trevis Smith, the CFL player charged with aggravated sexual assault before Regina Crown decided to lay all charges in their jurisdiction.

Mike Huot was seconded to the Organized Crime Unit to prosecute *Narwal* with Joe Bellows, QC. Charges consisted of kidnapping, aggravated

continued...

Region 3 *continued...*

assault and extortion from three separate incidents in Surrey and Abbotsford. The prosecution resulted with convictions on all charges in Vancouver Supreme Court.

Don Wilson, Lynett Jung, Keith Kinash, Paul Sandhu, Catharine Fedder, Liane O'Grady and Winston Sayson have all had a busy year prosecuting major crime matters in Surrey and New Westminster.

Today, there are a total of 15 prosecutors at the Abbotsford Crown office. New arrivals over the past year are: Sheryl Wagner, Jamala MacRae and Sandra Di Curzio, with Todd Buziak joining in March 2006 from Vancouver Region.

The many accomplishments of Abbotsford Crown are too numerous to list but due to the prodigious increase in the level of crime in the area it can safely be said that all Crown were involved in a very wide spectrum of prosecutions this fiscal, including at the Supreme Court level.

There was a great deal of change in the Abbotsford office during the last year. John Labossiere succeeded Carolyn Kramer as the administrative Crown in July 2005. In March 2006, John left the Abbotsford office to take up his new role as deputy regional Crown counsel at the Surrey office.

During the past year, Kimberly Jansen successfully prosecuted a manslaughter and an arson case. In March 2006, Kimberly took over the role of administrative Crown counsel.

Sue Hayward-Caryer became the office manager in Abbotsford.

The Pickton Prosecution Team rounds out the Region 3 contingent. The team is a leader in the areas of electronic disclosure, complex charter litigation and forensic evidence.

In addition to her administrative duties, Carolyn Kramer was involved in several major crime prosecutions that included a dangerous offender hearing and an attempted murder and torture trial, both of which she successfully prosecuted with Louise Kenworthy. With the assistance of Peter McDermick, Carolyn is in the progress of preparing another dangerous offender application.

Louise Kenworthy is prosecuting a motor vehicle fatality case.

Peter McDermick, along with Theresa Iandiorio, successfully prosecuted a case in which a woman disposed of her newborn child.

Ross McLeod is prosecuting two murder files and an ongoing motor vehicle fatality case with Peter McDermick.

Wayne Norris successfully prosecuted a first-degree murder case with Wendy Dawson, QC, and is prosecuting an attempted murder and a long-term offender application.

Todd Buziak and New Westminster's Donna Ballyk are prosecuting a case involving the high-profile and very complex series of arson fires that resulted in several businesses burning to the ground in the Abbotsford area during 2004. This investigation was ongoing for over a year.

The Abbotsford Crown office continues to be active in the community with participation in local Violence Against Women In Relationships and Sto:lo Justice Committee meetings, facilitation of training with the Abbotsford Police Department and Mission RCMP, supervision of practicum students from the University College of the Fraser Valley and provision of speakers for the Courts Education Network. Community outreach details are listed by individual names in Appendix A.

Many Abbotsford Crown and support staff participate in the community outside of work and are involved in teaching and related areas.

John Labossiere conducted numerous training sessions for the local RCMP.

Wayne Norris guest-lectured for the RCMP Junior Investigators Course at the Pacific Regional Training Centre, is president of Chapter BC V Blue Knights International Law Enforcement Motorcycle Club, and chairman of the regional committee of Cops for Cancer, Tour de Valley Canadian Cancer Society.

Ross McLeod guest-lectures for both the investigators course at the Pacific Regional Training Centre and the criminology course taught at the University College of the Fraser Valley.

The Chilliwack Crown counsel office serves the communities of Agassiz, Chilliwack and Hope. It has both a Supreme Court and Provincial Court registry. Abbotsford and Mission indictable matters are generally heard in Chilliwack.

Members of the Chilliwack office have prosecuted a substantial number of serious *Criminal Code* matters with high community interest.

A number of serious injury and fatality motor vehicle cases were prosecuted by John Hempstead.

Grant Lindsey and Andrea Ormiston prosecuted charges arising from a "swarming" incident, which involved an aggra-vated assault with multiple accused. The matter was successfully concluded after a six-week jury trial.

John Lester undertook the prosecution in a case involving bank robberies with multiple victims.

Chilliwack Crown counsel are actively involved in teaching RCMP and other police forces the various aspects of criminal law at the Pacific Regional Training Centre, as well as provide support and assistance to the Courthouse Legal Education Society and take on University College of the Fraser Valley students with practicums in criminal law. Some of those activities are described in this report. See Appendix A for community outreach activities performed by staff in the Chilliwack office during 05/06.

In addition, many Chilliwack office employees participate in their communities outside of work. A number of Chilliwack Crown counsel also took on other roles in the workplace, thus further contributing to the region and branch as well as their own office.

Administrative Crown Counsel Gregg Goodfellow is a standing committee member of both the Victims of Violence Against Women Committee and the Aboriginal Justice Liaison Committee. Gregg was involved in the public launch of the Upper Fraser Valley DIVERS Program to protect victims of violence last year. He, along with John Hempstead, also participated in a community forum regarding the implementation of Bill C-2.

Lori Stevens is also a standing committee member of the Aboriginal Justice Liaison Committee.

John Hempstead regularly contributes to the branch by reviewing recent decisions posted on the BC Provincial Court website and distributing synopses of these cases by e-mail to interested Crown counsel province-wide. He also posts the synopses on Brian Fell's Crown counsel forum.

Henry Waldock maintains a website on criminal law for police officers, which averages 20 hits a day. Henry is also the director of the Chilliwack Restorative Action and Youth Advocacy Association. In addition to conducting training sessions at local police detachments, Henry is a regular lecturer at the Pacific Regional Training Centre.

In December 2005, Crown Counsel Bill Herdy retired from the Chilliwack office. Bill is widely respected for his legal skills and strength of character in his time, both as Crown and defence counsel, he has since become one of the most popular ad hoc Crown counsel in the Fraser Region.

The New Westminster Provincial Court Crown office is a busy, collegial office with very diverse work. Jocelyn Coupal leads the New Westminster office with Bruce Stewart acting as the administrative Crown counsel. Tracy Buchanan is the new office manager.

continued...

Region 3 *continued...*

The office is staffed with six prosecutors and four support employees.

As for significant cases, Jocelyn Coupal is in the midst of prosecuting a complex criminal negligence matter with Cathie Grant.

There were a notable number of major crime files prosecuted in New Westminster Supreme Court during 05/06 fiscal.

As mentioned earlier, *Post* was prosecuted by Wendy Stephen and Jay Fogel for the first-degree murder of a young woman in Port Coquitlam. Wendy is also prosecuting *Therrien*, a case that is proceeding in French with Crown Counsel Joelle St. Germain seconded from Quebec.

Senior environmental Crown Counsel Jim MacAulay reached a major milestone in 2005 when he completed the 13-year prosecution of *Alpha*.

Shelene Rail has conduct of several murder files and, along with David Sim, completed a long-term offender hearing in the *Snelgrove* matter.

Bob Bonner returned from Surrey in October and has conduct of five murder trials.

Wendy Dawson and Chris McPherson are also invaluable to the Supreme Court office where they continue to undertake a large caseload of major crime work.

Wendy van Tongeren Harvey was seconded to the Pacific Regional Training Centre where she taught half-time. Wendy worked the other half of her time at Headquarters with Lee Porteous, readying the branch for Bill C-2 implementation.

Lothar Kiner has been invaluable, not only to the office but to the region, doing trial and administrative work, and assisting police with applications.

During the year, former Office Manager Brenda Rathjen became the district administrator for the North Fraser, and Gina Leigh became the office manager for the New Westminster Supreme Court office.

Both Brenda Rathjen and Clerk Stenographer Anni Larsen celebrated 25 years with the provincial government.

In November 2005, Richard Romano, most recently the deputy regional Crown counsel in New Westminster, was appointed as a Provincial Court judge. Judge Romano now sits in Abbotsford. Prior to his appointment, Richard was Crown counsel in the Fraser Region since 1989 and held many administrative positions, including in Port Coquitlam. Richard is well-known and respected for his legal knowledge, fairness, excellent judgement, sense of humour and humility. While Richard is greatly missed in the Fraser Region, he is an excellent addition to the Provincial Court bench.

This past year, Crown counsel with the New Westminster Supreme Court office were involved in countless community outreach activities beyond their regular duties, such as participation with the Law Courts Education program and facilitating or presenting educational materials to students. Some of those activities are noted here, however, more are listed with individual names in Appendix A.

Wendy Stephen is one of three Canadians who is a member of the executive committee of the International Association of Prosecutors (IAP). She was elected for a three-year term at the 10th annual IAP conference held in Copenhagen in August 2005. Wendy is a regular guest-lecturer at Sandy Cunningham's advocacy course as well.

Besides instructing at the major crime investigation course at the Pacific Regional Training Centre and at the annual training session of psychiatrists and psychologists on the dangerous offender roster, Wendy Dawson supervises a Kwantlen College criminology student on a practicum four days a week.

At evening public forums, Wendy van Tongeren Harvey was the presenter for each workshop as well as the main speaker regarding Bill C-2 implementation. Her evening

presentation was followed by a panel from the community who spoke of their relative roles in using criminal courts in the protection of children and youth from sexual exploitation. The following Crown counsel from various offices and regions also gave their time to participate in the sessions, and they contributed greatly to the success of the forums: Frances Gordon (Vancouver Provincial Court), Administrative Crown Counsel Gregg Goodfellow and John Hempstead (Chilliwack), Deputy Regional Crown Counsel John Labossiere (Surrey) and Administrative Crown Counsel Shannon Keyes (Prince George).

Also, this past year, Wendy van Tongeren Harvey assisted a Simon Fraser University PhD. student with the writing of a paper about UN guidelines on the treatment of child witnesses in the justice system.

The Pickton Team rounds out the Region 3 contingent. The team is a leader in the areas of electronic disclosure, complex charter litigation and forensic evidence. Crown Counsel Mike Petrie; Derrill Previtt, QC; Geoff Baragar; John Ahearn; Satinder Sidhu; Jennifer Lopes and Jay Fogel are in the midst of voir dires, which will determine the admissibility of evidence at trial. This phase is scheduled to continue into summer 2006. The team is supported by Clerk Stenographer Anni Martin, Legal Secretary Carol Martin and Legal Secretary Carol McClure.

REGION 4: INTERIOR

Region 4, the Interior Region, serves the south centre and southeast of British Columbia, comprising the Thompson, Okanagan and Kootenay regions of the province. It is a vibrant mixture of rural and urban communities with seven Crown counsel offices located in Kamloops, Kelowna, Vernon, Penticton, Salmon Arm, Nelson and Cranbrook. All of these offices are capably staffed by 38 support personnel and 50 Crown counsel.

The leadership of Region 4 changed significantly in the past year. Stephen Harrison succeeded Brad Chapman as regional Crown counsel after Brad's appointment to the Provincial Court bench. Judge Chapman now sits in Kelowna. Basil McCormick became deputy regional Crown counsel, out of Cranbrook, replacing Ron Webb who also went to the Provincial Court bench. Lorne Fisher became the deputy regional Crown counsel located in Kamloops. Jeff Dyment continues as deputy regional Crown counsel based in Kelowna and supervises four Crown offices in the Okanagan and Shuswap.

Administrative Crown counsel, along with office managers, coordinate the delivery of prosecution services in the seven Crown offices to 22 satellite court locations and scores of communities served by 46 RCMP detachments in the Interior Region. Also, there is one municipal police force, Nelson City Police Department, which celebrates its 110th anniversary in 2007. These police offices and other investigative agencies submitted approximately 12,000 Reports to Crown Counsel last year. The reports represent more than 41,000 complainants and potential witnesses, and constitute an increase of about eight per cent over the preceding year.

In Region 4, administrative Crown counsel and office manager teams are, respectively: Stephen Lawhead and Stacey Allan (Kamloops), Colin Forsyth and Pamela Robertson (Kelowna), John Swanson and Cindy Curtain (Penticton), Dan McLaughlin and Nancy Johnson (Vernon), Greg Koturbash and Laurie Reynolds (Salmon Arm), and Lynal Doerksen and Sandra Knight (Cranbrook). Shelley Stewart of Nelson continues to effectively manage that office in the absence of an incumbent administrative Crown.

Some of the changes to staffing over the past year reflect personal milestones and celebrations. Manager of Administrative Services (MAS) Marg Johnson retired from her position after 10 outstanding years with the Interior Region and the branch. Acting MAS is Regional Finance Officer Michael Hays, with staffing processes for the position expected to complete in mid-

continued...

Region 4 *continued...*

2006. Clerk Stenographer Diane Hawley, a Kelowna support staff stalwart, also retired after 10 years with the branch. Regional Administrator Patricia Tuyttens left the Kelowna office to be married in Australia, while Kelowna Office Manager Pamela Robertson was also married this past year in a ceremony performed by her former boss, the Honourable Judge Chapman.

Crown Counsel Bill Hilderman and John Swanson moved to Region 4 during fiscal 05/06. Bill joined the Salmon Arm office and John Swanson became the administrative Crown counsel based in Penticton. Both hail from Region 5.

There are many more new faces, and people moving to, within and returning to the Interior Region. In Kamloops, new Crown counsel hires include Howard Pontious of Kamloops who returned to Crown practice, Alexandra Janse from Victoria, Dione Pizzey from Nanaimo and Marlene Mann from Vancouver. Cranbrook welcomed new Administrative Crown Counsel Lynal Doerksen from Alberta, as well as Rhian Opel from Manitoba and the return of Andrew Mayes from Kosovo where he worked with the International War Crimes Tribunal. In Nelson, Sunday Patola returned to Crown practice and Phil Seagram transferred from the Penticton office. New hire Nashina Devji also joined the Penticton Crown office from Vancouver.

Among support staff moves, Legal Secretary Leslie Barrett transferred from the Supreme Court desk in Kamloops to Penticton, and Legal Secretary Sherry Desmond left Penticton for Kelowna. Acting Regional Financial Officer Sandra Scherly and new staffers Legal Secretary Debra Faykes and Legal Secretary Kim Babcock joined the Kamloops office.

Region 4 saw steady improvements to facilities with the Cranbrook and Salmon Arm offices moving to new premises. The Cranbrook Crown counsel office now resides in a larger, brighter location with better security, including a separate, secure interview room and a lunch room. The Salmon Arm Crown counsel office relocated to the new courthouse, following the opening of the impressive Salmon Arm Law Courts. The well-appointed location engenders respect for the function of the courts while providing a safe, efficient and pleasurable workplace for staff. This is a great improvement from the last location, which was impacted when co-tenants from the Government Agent office moved and were replaced by a high-energy workout gym.

Facility plans for the coming year include modifications to the Kelowna and Kamloops offices, consequent upon the return of the regional office to Kamloops, plus planning for change in the Nelson office.

In a year of challenge and great change for many Region 4 employees, there are particular accomplishments that are due recognition.

Kudos go to the Nelson, Cranbrook and Penticton offices who carried on in significantly difficult staffing situations, and to staff with Interior Region offices who volunteered their assistance in spite of their own workload challenges.

Administrative Crown Counsel Colin Forsyth (Kelowna) is commended for taking over the additional responsibilities of administrative Crown counsel in Penticton for an extended period.

And applause goes to the Regional Finance Office consisting of Acting Manager of Administrative Services Mike Hays, Acting Regional Financial Officer Sandra Scherly, Financial Assistant Danya Edwards and Regional Secretary Dorothy Brandt, all of whom performed well under challenging, mercurial circumstances.

In terms of prosecutions, praise goes to all the major crime prosecutors in the region but in particular to Peter Favell of Vernon for his work, assisted by Phil Seagram, on *R. v. Young* and a number of other murder cases; to Paige Johnstone, QC, and Norm Yates for their work on the Kelowna murder case *R. v. Fowler;* and to Vern Frolick of Penticton and Lorne Fisher of Kamloops.

Manager of Administrative Services Marg Johnson retired from Region 4 after 10 outstanding years with the branch. Marg is seen here (right) visiting former Regional Administrator Patty Tuyttens, who moved to Australia to be married.

Additionally, acknowledgement goes to the *Project Eau* prosecution team, led by Don Mann, and including Will Burrows, Mike Wong, Bernie Caffaro and Kamloops support staff as well as Pierre Gagnon of CASP.

Crown counsel and support staff of Region 4 are active participants in their communities, as teachers, sports coaches and youth leaders. They also take the law into their communities as part of the outreach programs so commonly engaged in throughout the Criminal Justice Branch. This participation includes work on behalf of the Law Courts Education Society, various training or informational sessions with RCMP detachments, presentations to students and police about the role of Crown counsel, and involvement with local bar associations. Some of those activities are noted here, however, details are listed with individual names in Appendix A although they reflect only a small part of the outreach work performed by Region 4 employees.

Iain Currie, Jonathan Oliphant, Angie Johnson and Steve Lawhead were all involved in RCMP training sessions last year.

Steve Lawhead attended an RCMP watch commanders meeting for discussions about the reorganization of the detachment and the role of Crown counsel.

Andrew Mayes took part in an RCMP seminar on the topic of search and seizure, in which he dealt with specific issues of concern to the detachments.

Norman Yates facilitated the participation of articled students in the Kelowna office. Norm also was a guest-lecturer at local and district RCMP training sessions, which included a day-long motor vehicle accident and impaired driving investigation course, impromptu sessions on preparing reports to Crown counsel and investigative considerations related to warrants and evidence-gathering.

The Interior Region marked the passage of Criminal Justice Branch service milestones for the following employees: Legal Secretary Helga Zeis of Kamloops, five years; Legal Secretary Tammy Wright of Nelson, 10 years; Crown Counsel Peter Favell of Vernon, 15 years; Office Manager Shelley Stewart of Nelson, 15 years; and Legal Secretary Joanne Williams of Nelson, 25 years.

Legal Secretary Maureen Gull of Kelowna and MAS Marg Johnson of Kamloops each achieved 25 years of government service this past year. Maureen will reach 25 years service with the branch in the coming year.

Diane Hawley retired from her clerk stenographer position in Kelowna at the end of March 2006, after a career in government service that commenced in 1984. In 1996, Diane came to the Kelowna Crown office from the Ministry of Health. Diane was outstanding in dealing with victims and witnesses, especially in addressing their concerns. Without a doubt, Diane's infectious laugh will be missed after 22 years of service.

Marg Johnson retired at the end of 2005. Marg came to Region 4 as the Manager of Administrative Services in 1995, after 15 years service

continued...

Region 4 *continued...*

with the Ministry of Forests. In her 10 years with the region, Marg left a mark that will last for many years to come, not least in facility improvements, financial management and human resource practices. Marg's outstanding value to the branch was recognized when she was appointed in 2002 to the concurrent position of acting director of planning.

A cross-section of the notable cases prosecuted within Region 4 in the past year is provided here.

R. v. Anderson involved the prosecution of Penticton psychiatrist Dr. Larry Anderson, who was convicted for a series of sexual assaults with a number of patients. Former Administrative Crown Counsel Brent Bagnall prosecuted the case. The offences, committed over many years, resulted in a sentence of 18 months in jail and an additional two-year term of probation. Brent has since left Crown counsel to pursue other opportunities.

In *R. v. Sabey*, Deputy Regional Crown Counsel Lorne Fisher prosecuted Donald Sabey for crimes related to the prolonged and violent sexual assault of a sex trade worker in Kamloops. Sabey was given an effective sentence of more than eight years and was additionally placed on a long-term supervision order.

With *R. v. Fowler*, after a lengthy trial before judge and jury, Ronald Fowler was convicted of first-degree murder in the sexual assault and murder of a 61-year-old Kelowna woman who was the maternal grandmother of his child. Fowler received a mandatory life sentence with a 25-year period of parole ineligibility. Paige Johnstone and Norm Yates had conduct of the prosecution.

The Interior Region saw steady improvements to facilities with the Cranbrook and Salmon Arm Crown counsel offices moving to new premises during 05/06 fiscal.

R. v. Gain resulted in another conviction against Michael Gain who—after recently receiving a sentence of eight years for sexually assaulting a young sex trade worker who he had left for dead in a snowy wooded area near Kamloops—was found guilty of sexually assaulting a different woman after the first conviction resulted in a DNA database hit. Gain, who is awaiting sentence proceedings, was prosecuted by Bob Maxwell in the first instance and Iain Currie in the second.

With *R. v. Young*, for the second time, Darlene Young was convicted of killing her husband in Falkland. A second trial was required after the Crown conceded on appeal that there were problems with firearms evidence called at the first trial. Peter Favell and Philip Pool of the Vernon Crown office prosecuted the retrial of Young, who received a life sentence and 15 years of parole ineligibility.

REGION 5: NORTHERN

Region 5, also known as the Northern Region, is the largest Crown region in British Columbia, occupying the province's northern two-thirds. The region serves an area bounded on the south by 100 Mile House, on the north by the Yukon border, on the east by the Alberta border, and on the west by the Queen Charlotte Islands and the Pacific Ocean.

The Northern Region serves 30 communities and 39 RCMP detachments. During the 2005 calendar year, there were 10,770 Reports to Crown Counsel received throughout this massive region.

During fiscal 05/06, staffing was comprised of 45.5 Crown counsel and 42.1 support staff full-time equivalent positions.

There are 10 separate, distinct offices in Region 5, which are broken into sub-regions determined by their geographical proximity. The Peace River-Northeast Sub-Region is

comprised of Fort Nelson, Fort St. John and Dawson Creek, and occupies an area in the north-eastern corner of the province. The Cariboo Sub-Region is made up of offices in Williams Lake and Quesnel. The North-west Sub-Region includes offices in Smithers, Terrace and Prince Rupert. The Central Sub-Region, and the largest in terms of serving Crown counsel, is composed of Prince George and Vanderhoof.

Additionally, the regional Crown counsel head office, charged with the management of the entire region, is located in Prince George, and is separate and apart from the local Prince George office.

The region is led by the Executive Management team consisting of Regional Crown Counsel Oleh S. Kuzma, QC; Deputy Regional Crown Counsel Ray Hall; and Manager of Administrative Services Peter Pang. A second deputy regional Crown counsel position makes up the team, which was vacated when John Swanson accepted the administrative Crown counsel position in Penticton in late March 2006.

The Regional Management Committee is comprised of members of Executive Management and the following administrative Crown counsel: Christine Birnie (Smithers) who took over from Sandy MacDonell in February 2006; Claire Ducluzeau (Prince Rupert) who took over from Julian Dudley in September 2006; Victor Galbraith (Quesnel); Rodney Hawkins (Williams Lake); William Jackson (Dawson Creek); Shannon Keyes (Prince George); Paul Kirk (Terrace); Barry Nordin (Fort Nelson); James Swales (Vanderhoof); and Joseph Temple (Fort St. John).

Fort Nelson is the region's most northern Crown counsel office, located 1614 kilometres from Vancouver and only 80 kilometres from BC's northern border with the Northwest Territories. It encompasses Fort Nelson and a satellite circuit, the Northern Circuit, which includes the remote communities of Atlin (973 kilometres from Fort Nelson), Good Hope Lake and Lower Post. The area's Provincial Court is served by judges primarily based in Fort St. John and Dawson Creek. Supreme Court matters are usually traversed to Fort St. John for trial, although on occasion the Supreme Court has sat in Fort Nelson.

Fort St. John is located in the centre of the oil and gas industry in northwestern B.C. Although Fort St. John is the centre of Crown counsel operations, Hudson's Hope, a small town located near the Bennett Dam, is the site of Provincial Court sittings on a quarterly basis and is served by the Fort St. John office. The courts are served by a resident Provincial Court judge, and augmented by visiting Provincial Court judges. Fort St. John has regular Supreme Court sittings with a visiting justice.

The Dawson Creek Crown office serves the communities of Chetwynd and Tumbler Ridge as well. Dawson Creek is served by one resident Provincial Court judge (a former regional Crown counsel) with assistance from visiting Provincial Court judges, and is the site of regular Supreme Court sittings.

Williams Lake is the southern-most Crown counsel office in Region 5. In addition to the town of Williams Lake, the office serves court locations in the communities of 100 Mile House and Anahim Lake, a distance of about 400 kilometres from Williams Lake. There are two resident Provincial Court judges (one a former environmental Crown counsel from this region) and regular Supreme Court sittings in this area.

Quesnel, west of the highway to Barkerville, is the only office within Region 5 that does not have a satellite court location. Although it is located midway between Prince George and Williams Lake, it is considered part of the Cariboo Sub-Region. A Provincial Court judge is resident in Quesnel and a Supreme Court justice regularly presides in the location.

Smithers, gateway to B.C.'s northwest, is located on Highway 16. The Smithers office also serves the communities of Burns Lake, Houston and New Hazelton, which contribute significantly to the

continued...

Region 5 *continued...*

caseload and involve a great deal of travel. Smithers is the home for two resident Provincial Court judges and is regularly served by visiting Supreme Court justices.

Terrace occupies the central position within the Northwest Sub-Region. The Terrace office also serves Kitimat as well as two circuit courts. One circuit includes Dease Lake (located 583 kilometres north of Terrace) and Stewart. The second circuit is the Nass Valley (located 100 kilometres north of Terrace) and comprises four communities: New Aiyansh (Gitlakdamix), Gitwinksihlkw (Canyon City), Laxgalts'ap (Greenville) and Gingolx (Kincolith). The court sits in New Aiyansh every two months. Terrace is served by a resident Provincial Court judge and regularly assisted by Provincial Court judges from Prince Rupert and Smithers. The Supreme Court sits on a regular basis with a visiting Supreme Court justice presiding.

The Prince Rupert office is located in a courthouse designated as a historic building. The office serves the Queen Charlotte Islands in addition to Prince Rupert. The community is home to two resident Provincial Court judges as well as an assigned Supreme Court justice.

The Vanderhoof Crown counsel office serves the neighbouring communities of Fort St. James and Fraser Lake. The Provincial Court is presided over by a judge resident in Prince George and all Supreme Court matters are traversed to Prince George for trial.

Region 5, also known as the Northern Region, is the largest Crown region in British Columbia, occupying the province's northern two-thirds. The region serves an area bounded on the south by 100 Mile House, on the north by the Yukon border, on the east by the Alberta border, and on the west by the Queen Charlotte Islands and the Pacific Ocean.

Prince George is the largest Crown counsel office in the Northern Region, located in a community that is generally referred to as the "northern capital" of the province. The office occupies the newest law courts in the north (opened in 1997). The Prince George office also serves MacKenzie, Valemount, McBride and a small community, Tsay Keh, located in the Rocky Mountain trench. The Provincial Court Bench is composed of six judges resident in Prince George and a Supreme Court bench of three resident justices and a resident master.

The Regional Crown counsel office is located in Prince George as well.

Crown counsel departures in the past year include: George Rivard (Fort St. John) who left to take up private practice, Marion West (Fort St. John) who went to Sechelt in Region 2, Bill Hilderman (Williams Lake) who went to Salmon Arm in Region 4, Navi Gill (Smithers) who joined Surrey in Region 3, Sandy McDonell who is seconded to the Duncan office in Region 1 until the end of 2006 and John Swanson, former deputy regional Crown counsel, who went to Penticton in Region 4.

Coming on board in the Northern Region during fiscal 05/06 are the following Crown counsel: Lara Vizsolyi (Prince George), Jean-Paul Quenneville (Fort St. John), Denise Payne (Prince Rupert), Sabena Thompson (Williams Lake) and Anna Tosso (Williams Lake).

Legal secretaries Karen Wharton and Susan Clarke were welcomed at the Crown offices in Williams Lake and Prince George respectively.

The Fort Nelson Crown Office, previously consisting of Crown Counsel Barry Nordin and Office Manager Suzanne Fellers, were pleased to acquire

an additional half-time staffing position. Accordingly, Legal Secretary Mary Fudge was hired, joining the office from the RCMP Victim Services Unit.

The Dawson Creek Crown counsel office, after 14 years of cramped quarters, moved to a more spacious location on the fourth floor of the Dawson Creek Courthouse building. Staff now have a beautiful view of the sunrise (when they start that early) and of Dawson Creek. Their expanded office space includes a visiting Crown office and a combined boardroom and library room. They also have a separate storage room for closed files, which provides convenient access. The staff greatly enjoy and appreciate the new office space.

Crown counsel with Region 5 participated in many, diverse public outreach activities in the communities they work and reside in. These activities include participation in Law Day, teaching or speaking with students of all schooling levels; involvement in training activities or as a resource to criminal justice partners; and presentations and participation with local bar associations, community groups, public forums and events. All activity details are listed by individual name in Appendix A and some are highlighted here, as follows.

Over the past year, Brian Fell and Alex Schmeisser presented at the RCMP's Criminal Crash Investigation training course, and provided ongoing input relevant to other presentations during the week-long course. Brian and Alex also liaised with probation staff to deal with communication between offices and various legal issues.

Prince George's Administrative Crown Counsel Shannon Keyes regularly attends meetings (as often as quarterly) of the Northern Child and Family SCAN Clinic, which medically evaluates children who are alleged victims of crime and/or neglect. Shannon provides information about the court process, treatment and management of witnesses, and evidentiary issues. She also has meetings with Court Services, Probation (youth and adult), Youth Forensic Services, Urban Aboriginal Justice and the Elizabeth Fry organizations to discuss the role of Crown counsel and legal processes, and has regular meetings with the RCMP to discuss training and file-related matters.

David Grabavac, also of Prince George, takes on the role of teacher approximately 30 times a year when he gives seminars for the Law Courts Education Society, for which he provides general information about the role of Crown counsel and the court system.

Victor Galbraith, out of Quesnel, was involved in monthly meetings between Crown, RCMP, Probation and Victim Services.

Joseph Temple, of Fort St. John, lectured local RCMP recruits on the business of Impaired Driving Investigations twice in the past year.

All Terrace Crown—Barry Zacharias, Paul Kirk, William Funnell and Rita Kis—attended the police and national parole presentation on long-term offenders last fiscal.

Along with the other diverse and comprehensive outreach work that Fort Nelson Crown Counsel Barry Nordin performed last year, he conducted a variety of seminars and workshops with the Fort Nelson RCMP, participated in formal meetings with a variety of aboriginal committees, including the Fort Nelson First Nation Policing Committee and the Taku River Tlingit Risk Management Team, and met twice with the Northern Rockies Regional Council to discuss community criminal justice issues.

In Dawson Creek, Terry Lawrence presented to the Chetwynd RCMP detachment on impaired driving charges.

James Swales of Vanderhoof often speaks on relevant topics at RCMP detachment meetings.

Prince Rupert's Julian Dudley and Claire Ducluzeau took on a Northwest Community College criminology student assigned to shadow Crown counsel for a day.

Smithers Crown counsel—Alexander (Sandy) MacDonell,

continued...

Region 5 *continued...*

Christine Birnie, Shirley Meldrum, Declan Brennan and Navi Gill—met with RCMP non-commissioned officers on an informal basis to determine how things are going. They also meet with the RCMP on a formal basis once or twice a year to discuss matters of interest to both Crown and police. These are among many other similar types of outreach.

However, Administrative Crown Counsel Sandy MacDonell went beyond the call of duty last year when he volunteered for the Terrace summer fair's dunk tank, he says "to give those interested a chance to dunk the Crown counsel!"

Recognition for the numerous accomplishments of staff, for their contributions to the Criminal Justice Branch as well as the legal profession, are noted here. The following listed achievements are a small representation of the good work done daily by Northern Region employees.

Brian Fell, of the Prince George office, is commended for his initiative in setting up and continuing to be a contact for a Crown counsel discussion forum. When started, the forum was e-mail based, and then it was changed to a public folder system in August 2005. The forum permits group members, which number close to 130 Crown lawyers, to electronically converse and discuss legal issues and questions.

Given the large number of reports to Crown counsel that were received in the past year, the Northern Region can be proud of the hard work and dedication of all its employees, both Crown counsel and administrative support staff. Special mention is given to the following personnel.

In Terrace, Legal Secretary Caroline Bourdon chalked up 25 years with the public service of B.C. and Legal Secretary Jennifer Neid was recognized for 10 years service with CJB.

Dawson Creek's William (Bill) Jackson was re-elected as a bencher for the County of Cariboo. Bill is also treasurer for Pro Bono Law BC.

The collegiality of administrative support staff in Region 5 is demonstrated by their exemplary efforts to maintain the daily operations of the Fort St. John Crown Counsel office in light of the unexpected departure of two of three administrative support staff in November 2005. This feat was accomplished by lengthy secondments from Prince George of Clerk Stenographer Donna Bigras and Clerk Stenographer Michelle Leinweber, and Legal Secretary Caroline Bourdon of Terrace. The administrative support teams in Prince George and Terrace are also to be lauded for picking up the additional burden while their co-workers were assisting in Fort St. John. At the same time, while the Fort St. John Crown counsel complement was reduced by one, Joseph Temple prosecuted a double homicide that resulted in a NCRMD designation (not criminally responsible due to a mental disorder), while Office Manager Ritchie Day managed the office plus provided immeasurable support to the prosecution.

As in all regions throughout the Criminal Justice Branch, because of the quality and quantity of prosecutions in Region 5, an exhaustive list of high-profile or significant prosecutions in the past fiscal year is not possible. Therefore, the following described prosecutions are examples of important, publicly sensitive cases, which involved significant effort and preparation by Crown counsel and support staff.

In Smithers, with the vital support of Office Manager Irene Cormier, Crown Counsel Declan Brennan and Christine Birnie ably prosecuted Victor Sam for first-degree murder and other charges, in a matter that involved the sexual assault of a First Nations woman in Burns Lake. Irene's contribution was notable for her organization of all witness travel and interviews in a constantly shifting environment.

Prince George saw numerous successful prosecutions.

John Sutton and Brian Fell skilfully prosecuted Janos Benedek for the completely random shooting death of a homeowner.

A notable prosecution by Rob Climie and Susan Mengering

led to the second-degree murder conviction of Leland Switzer for the shooting death of his brother.

A manslaughter conviction was obtained for Christopher Prince following a prosecution by Rob Climie and Anne Baines.

John Swanson's and David Grabavac's effective prosecution of Cameron Miller and Ricky Smith for a machete slaying resulted in convictions of second-degree murder and manslaughter.

Administrative Crown Counsel Shannon Keyes and Alex Schmeisser conducted a lengthy dangerous offender proceeding against Gerald Smaaslet.

The entire Prince George administrative support staff positively contributed to these prosecutions, with particularly noteworthy contributions from Clerk Stenographer Donna Bigras and Legal Secretary Kim Vernon.

Administrative Crown Counsel James Swales of Vanderhoof had an exceptionally busy year with both Christopher Prince and Teresa Senner receiving convictions for manslaughter, and several other homicide cases ongoing. The substantial caseload could not have been managed without the professional efforts of administrative support staff Clerk Stenographer Tammy Page and Legal Secretary Tania Kodila.

Upcoming, is the second annual Regional Administrative Support Staff Conference, planned for June 2006, which will be a joint event for both Region 5 and Region 4. Region 5's previous conference took place in March 2005, and the new later timing will make travelling safer for attending staff.

In Prince Rupert, Major Crime Prosecutor Michael Fulmer had another heavy caseload composed of complex, aggravated and sexual assault cases, and was provided greatly appreciated administrative support by Office Manager Velma Clifton.

Barry Nordin successfully prosecuted one of Fort Nelson's few murder cases, the *Sweezey* case. After a week-long drinking bout, the accused became enraged at the victim's sexual overtures and smashed his head with an iron bar. The primary evidence against Mr. Sweezey was his statement, and, once that was admitted, an agreement was made to change the plea to manslaughter.

Administrative Crown Counsel Joseph Temple of Fort St. John, who was given invaluable support by Office Manager Ritchie Day, successfully prosecuted Terrence Giesbrecht on two counts of second-degree murder for May 2004 deaths caused by multiple hammer blows. Giesbrecht was found NCRMD.

The Quesnel Crown counsel office prosecuted an impaired driving/dangerous driving causing death trial this year and the victim's family particularly asked that Clerk Stenographer Shelley Marthinsen be complemented for her efforts in keeping them informed as to the progress of the trial and for the sensitivity with which they were treated.

Jennifer Johnston conducted a complex home invasion case that stretched to 14 days of trial over the course of several months. Twenty witnesses were called, two accused with separate defence counsel, and four separate voir dires relating to the admissibility of statements and other evidence. Convictions were obtained against both accused. Office Manager Leona Cole distinguished herself in organizing the witnesses as well as the books of case authorities on that file.

continued...

Region 5 *continued...*

During the 05/06 fiscal year, many Region 5 Crown counsel and office managers attended branch-sponsored conferences, such as the New Crown Counsel Conference, the Appellate Seminar and the Spring Crown Counsel Conference, all occurring in May 2005, as well as the November 2005 Leadership Conference and March 2006 Office Managers Conference.

Coming up is the second annual Regional Administrative Support Staff Conference, planned for June 2006, which will be a joint event for both Region 5 and Region 4. Region 5's previous conference took place in March 2005, and the new later timing will make travelling safer for attending personnel.

Region 5 plans to hold its next biannual two-day joint Regional Management Committee and Office Supervisors Meeting in September 2006, which will be preceded by a Major Crime Prosecutors Workshop.

CRIMINAL APPEALS & SPECIAL PROSECUTIONS

Criminal Appeals and Special Prosecutions (CASP) has a unique mandate when compared with the five regions in the Criminal Justice Branch. CASP provides specialized prosecutorial and legal services in areas of law that cannot conveniently be prosecuted within the regions. Also, unlike the regions whose responsibilities lie within a set geographical area, CASP serves the entire province. Its expert prosecutorial services encompass a wide variety of areas, ranging from appeals of serious criminal offences to major commercial crime offences, from organized crime prosecutions to matters under the *Workers' Compensation Act* and *Criminal Code* arising from work place accidents resulting in serious injury and death. This work requires CASP prosecutors to travel throughout British Columbia, conducting trials in the communities in which the offences occurred.

The majority of Crown counsel working in CASP are senior lawyers with significant experience in trial and appellate courts. Most prosecutions are vertical prosecutions. This means the same CASP lawyer has conduct of a case from early on (often during the investigative phase) through to its conclusion. CASP prosecutors provide ongoing advice to investigative agencies as requested and, when the police provide a Report to Crown Counsel, the same prosecutors decide which offences to charge. The same Crown lawyers then prosecute their files from the first appearances of the accused in court and through the preliminary hearings and subsequent trials, and often have conduct of any subsequent appeals.

CASP's offices are located in Vancouver, with the exception of two appellate counsel and one support staff person, and one professional development counsel working in Victoria. In total, CASP is staffed by approximately 73 employees, comprised of 21 administrative support staff and 52 legal counsel.

The overall management of CASP is lead by Director Robert Wright, QC, and Acting Director Gregory Fitch, QC. The three main units of CASP, each with a deputy director, are: Criminal Appeals, Commercial Crime and Special Prosecutions. These units are complemented by a professional development team and a litigation management team.

Criminal Appeals is lead by Acting Deputy Director John Gordon, QC, with the assistance of Scott Bell (Vancouver) and Joyce Dewitt-Van Oosten (Victoria) as the administrative Crown counsel. The Criminal Appeals Unit is responsible for the conduct, on behalf of the Crown, of all indictable appeals of both conviction and sentence to the British Columbia Court of Appeal and Supreme Court

of Canada. This year, Criminal Appeals welcomed Margaret Mereigh (formerly from the Air India prosecution team) and Susan Brown from Region 2.

The Commercial Crime Unit is lead by Deputy Director Monty Carstairs, QC, with the assistance of Mike Van Klaveren as administrative Crown counsel for commercial crime and Ron Kockx who is the administrative Crown counsel for health and welfare prosecutions. The mandate of the Commercial Crime Unit is diverse. Responsible for prosecuting large and complex commercial crimes, many of which are high profile, the unit also prosecutes ICBC frauds, frauds on the welfare system and frauds committed by health professionals against the health care system.

This year, the Commercial Crime Unit welcomed several new counsel to its ranks. They include Trevor Shaw from Ontario and Kevin Gillett from the Vancouver private bar. From within the Crown, the Commercial Crime Unit was pleased to welcome Caroline Richardson from the Air India prosecution team, Elizabeth Campbell from Region 2 and Marian Brown from Region 3. Shelley Smith was warmly received back into the fold after a brief sojourn with Alberta's Ministry of Justice.

Like the other two primary units of CASP, Special Prosecutions has a wide mandate. Deputy Director Teresa Mitchell-Banks, appointed in September 2005, leads Special Prosecutions, which includes the new Organized Crime Unit as well as prosecutions related to proceeds of crime, the Integrated Municipal-Provincial Auto Crime Team (IMPACT), and serious or fatal injuries suffered on the work site under the *Workers' Compensation Act* and *Criminal Code*, as well as other special projects or prosecutions assigned to Criminal Appeals and Special Prosecutions by the Assistant Deputy Attorney General.

CASP serves the entire province. Its expert prosecutorial services encompass a wide variety of areas, ranging from appeals of serious criminal offences to major commercial crime offences, from organized crime prosecutions to matters under the *Workers' Compensation Act* and *Criminal Code* arising from work place accidents resulting in serious injury and death. This work requires CASP prosecutors to travel throughout British Columbia.

In addition to the three primary units of trial and appellate prosecutors within CASP, there are two other areas serving in support functions to Crown within the province: the professional development team and the litigation management team.

The Criminal Justice Branch is fortunate to have Crown Counsel Cal Deedman and Laura Ford coordinating professional development. Cal and Laura report directly to Acting Director Gregory Fitch who has a keen interest in legal education. The professional development team serves as an educational resource by coordinating the legal education and ongoing professional development of Crown counsel within the entire branch. The ongoing work of Cal and Laura is critical to keeping Crown counsel current in an ever-changing profession.

The litigation management team, comprised of Crown Counsel Jim Hughes and Systems Analysts Lawrence Brown and John Friesen with the administrative and project support of Wendy Chaytor, assists Crown counsel and administrative support staff throughout the branch in developing their computer skills using the new litigation

continued...

Criminal Appeals & Special Prosecutions *continued...*

management system software known as Ringtail. The team also assists employees in setting up their files using Ringtail technology. A very successful pilot study of the software was completed this year, and now Ringtail is being used by a number of CASP Crown counsel who are prosecuting files with numerous exhibits and documents, sometimes numbering in the tens of thousands.

CASP is managed by the Regional Management Team, comprised of Gregory Fitch and all deputy directors, all administrative Crown counsel, and the following administrative personnel: Manager of Administrative Services Phill Hadford, Office Manager Wendy Chaytor and Acting Office Manager Karen Heys.

On September 14, 2005, all Crown counsel and administrative support staff met together when CASP initiated its inaugural annual general meeting. A plan to assist Crown and support staff in furthering their professional interests and enriching their daily work was presented at the meeting. The management team pledged to do their best to offer a diversity of practice to all Crown and support staff within CASP. The plan was the product of months of work by the Regional Management Committee. All staff are strongly encouraged to express interests to their supervisors so their professional aspirations may be met. It is hoped this will be an effective way of fulfilling everyone's Employee Professional Development Plans.

On September 14, 2005, all Crown counsel and administrative support staff met together when CASP initiated its inaugural annual general meeting. A plan to assist Crown and support staff in furthering their professional interests and enriching their daily work was presented at the meeting. The management team pledged to do their best to offer a diversity of practice to all Crown and support staff within CASP.

As a result of the plan, every six weeks, deputy directors meet and discuss how their files might best be resourced, taking into account the interests and requests of Crown counsel and support staff. This more easily allows, for example, a trial Crown in commercial crime to assist with a robbery appeal and, perhaps, work on a case involving a fatality on an oil rig while still assisting on a white collar crime prosecution. This program keeps lawyers and support staff stimulated, assists in provisioning the files, and encourages the sharing and development of legal skills and knowledge. Diversity of practice also assists in building camaraderie as people move within the units and get to know one another through their shared workloads and professional interests.

Many CASP employees were recognized for their achievements this year.

Congratulations are due to Acting Director Gregory Fitch and Acting Deputy Director John Gordon who were both honoured with the designation of Queen's Counsel.

Mary Ainslie of Criminal Appeals was presented with the Outstanding Service Award by the Faculty of Law at the University of British Columbia.

Throughout the year, recognition awards for outstanding service were presented to Crown Counsel Sasha Budlovsky, Legal Secretary Kim Weber, Professional Development Assistant Cindy Kinghorn, Acting Office Manager Karen Heys, Legal Secretary Winona Chew, Crown Counsel Jennifer Duncan, Crown Counsel Kate Ker, Crown Counsel Shelley Hulko, Crown Counsel Miriam

Maisonville, Legal Secretary Mari Prpich, Crown Counsel Ian Hay and Crown Counsel Gordon Matei. Congratulations to all for their extraordinary dedication to public service!

In August 2005, the Air India prosecution team was honoured by the International Association of Prosecutors (IAP) with a special achievement award. Joe Bellows, QC, accepted this award on behalf of the team at the IAP Conference in Copenhagen, Denmark. Congratulations are due to the dedicated lawyers and administrative staff who worked tirelessly on this unprecedented prosecution.

Commercial Crime's Patricia Donald, QC, retired this year. At a luncheon marking her retirement, Pat was honoured for her many years of wise counsel and legal skill. Pat is sorely missed by her colleagues but is kind enough to still take telephone calls and pay the occasional visit.

This past fiscal year was a busy one in the Supreme Court of Canada. Criminal Appeals counsel conducted six full appeals in Ottawa and appeared as an intervener in six others. The court also released reserved judgments this year in three appeals heard during the previous fiscal year.

The conclusion of two major trials also marked this time period: *R. v. Malik and Bagri* (the Air India prosecution) lead by Robert Wright, and *R. v. Slobogian and Biller* (the Eron Mortgage case) lead by David Jardine. Both cases entailed years of dedication by teams of prosecutors and administrative staff, and both sets of Crown counsel were honoured with standing ovations by their colleagues at the May 2005 Spring Crown Counsel Conference at Whistler.

CASP Crown counsel make significant contributions towards the education of Criminal Justice Branch lawyers throughout the province. In addition, they give generously of their time and knowledge to the profession and to the wider community near and far—their numerous contributions are noted in Appendix A of this annual report. Those contributions include participation in Law Week activities; teaching courses, and giving lectures and presentations to students at local universities and colleges, to other lawyers and prosecutors (as far away as China and Mongolia), to judges and judicial justices of the peace, and to delegations of visiting foreign dignitaries; as well as participation in conferences across the country and in continuing legal education courses. CASP Crown counsel also give of their time regularly to prepare law school moot court teams for national competitions, to judging first- and second-year law school moots, and they serve as frequent guest lecturers at the Professional Legal Training Course. CASP lawyers also teach investigators and police officers (including from Guatemala) on a variety of subjects, from the admissibility of bank documents to the forensic investigation of blood spatters. In addition, CASP represents the branch each year on the Faculty of the National Criminal Law Program.

CJB Professional Development: Fulfilling a Vision

A new vision for learning within the branch was proclaimed by Assistant Deputy Attorney General Robert Gillen in September 2004. Subsequently, additional resources were allocated to support professional development on an ongoing basis.

To implement this vision, a new professional development team was assembled. Appellate Crown Cal Deedman was appointed as Professional Development Coordinator for a three-year term reporting to the Acting Director of Criminal Appeals and Special Prosecutions Gregory Fitch and to Branch Management Committee (BMC) as a whole, with professional development now a standing item on all BMC agendas. Administrative Crown Counsel Laura Ford was seconded from her position in Duncan to assist Cal and Cindy Kinghorn was hired as a full-time professional development assistant.

Crown counsel are now offered a greater number and wider variety of professional development opportunities than ever before. More recently, BMC approved a new planning committee structure that extends this professional development commitment to all branch members.

In the year and a half that elapsed since the ADAG's announcement of the new vision for learning, the professional development landscape for Crown counsel has changed beyond recognition. Crown counsel are now offered a greater number and wider variety of professional development opportunities than ever before. More recently, BMC approved a new planning committee structure that extends this professional development commitment to all branch members.

The range of professional development options available to Crown counsel has increased for a variety of reasons.

First, BMC agreed to a large and liberal interpretation of Article 24 of the *Crown Counsel Agreement*, the provision that governs how Crown counsel are permitted to spend their annual professional development allowance. The broader interpretation now encompasses any training or education that will assist Crown counsel in being more effective prosecutors, to include: substantive law, legal procedures, advocacy skills, forensics and police investigative procedures, interpersonal skills, management skills, law-related technology and languages, such as French and others that are relevant in a multilingual, multicultural society.

Second, the professional development team is vigilant in identifying and communicating all eligible professional opportunities that may be of interest to Crown counsel.

Third, using a selection procedure designed to identify the most suitable candidates, BMC routinely sends a number of Crown counsel to selected courses, conferences and seminars they deem are particularly worthwhile, such as the National Criminal Law Program, Ontario Crown Summer School and the international Conference on Wrongful Convictions held in fall of 2005 in Winnipeg.

Finally, new training opportunities have been developed, some in-house and others in collaboration with or through the offices of other agencies.

For in-house training, the branch now organizes the New Crown Counsel Conference, a three-day event that precedes

the annual spring conference, and an eminently practical one-day Firearms Familiarization Course taught by a retired RCMP firearms expert and tailor-made to meet the needs of Crown counsel for the prosecution of cases involving different kinds of firearms and ammunition.

Examples of collaborative training opportunities include the 2005 conference on dangerous offenders as presented in Vancouver by the National Joint Committee of Senior Criminal Justice Officials, an umbrella organization made up of representatives from the Crown, police and corrections; joint Crown counsel and police training in courses like Major Crime Investigative Techniques and Investigative Interviewing at the RCMP Pacific Region Training Centre at Chilliwack; and the five-day New Crown Counsel Forensics Course, which is designed to teach newly hired Crown counsel the nuts and bolts of police investigative procedures and crime scene examination methods.

Recognizing the value of creating professional development opportunities for both Crown counsel and non-lawyer staff, and in keeping with business plan's third goal of the "branch that is a learning organization," BMC approved a new Professional Development Planning Committee structure in early 2006. Greg Fitch and Director of Management Services Jenny Manton are the co-chairs of this new committee, whose other members are Cal Deedman and Laura Ford. The new committee model will also enable the coordination of joint Crown counsel and administrative staff training.

The 2005/06 – 2007/08 CJB Business Plan calls for producing a curriculum for advocacy training for mid-level Crown counsel as well. This will capture the knowledge of our most experienced Crown counsel while they are still with the branch, which is essential for succession planning. To this end, an advocacy-training subcommittee is being contemplated under the new professional development planning structure.

Although the mid-level advocacy subcommittee is not yet struck, Crown counsel are attending professional development opportunities that provide useful mid-level advocacy training already, such as the five-day Vancouver Police Homicide Investigators Conference in September 2005. This included the greatly detailed analysis of a series of high-profile cases, mainly from the United States —the Laci Peterson homicide, the Beltway sniper and the Bakley (Robert Blake) homicide case—from both an investigative and prosecutorial point of view, with the purpose of identifying lessons learned. Another example of this training is the half-day seminar on cross-examination presented by Richard Cairns to a mixed group of federal and provincial Crown counsel in September 2005. As one of the senior Crown on the Air India case, Richard used examples from that trial's transcript.

Another opportunity directly designed to meet the branch's commitment to mid-level advocacy training is a one-day major case management seminar for 50 mid-level Crown counsel selected by their respective regional Crown counsel and directors. Co-chaired by Hank Reiner, QC, and Mark Levitz, this event is the first of its kind. It will be held the day before the start of the 2006 Crown Counsel Conference and taught by some of the branch's most experienced trial counsel.

Business Plan Goal 3

Objective 3.1

These great strides in professional development, performed over a relatively short time frame, are making the new vision for learning a reality for employees of the Criminal Justice Branch.

BRANCH DEVELOPMENTS & HUMAN RESOURCES

2005 New Crown Counsel Conference

Business Plan Goal 3

Objective 3.1

Twenty-one Crown counsel attended the 2005 New Crown Counsel Conference, held on May 2 – 4, immediately prior to the annual Crown Counsel Conference. The experience level varied, from "this is my first day as Crown counsel" to "13 months," as well as to a couple Crown counsel who were not "new."

Unlike in previous years, the first two days of instruction were delivered by six experienced Crown counsel in a round table format, in which instructor presentations on various topics were interspersed with directed discussion.

The course theme was "Principled Analysis and Decision-Making" and, within that context, various topics such as bail, dealing with the unrepresented accused, and witness preparation and interviewing were canvassed. A hypothetical spousal assault was the practical tool used to bring the issues home.

The third day of the conference consisted of advocacy instruction delivered by Sandy Cunningham, QC, with guest instructors Catherine Murray and Wendy Stephen. Limited time necessitated a focus on basic, proper direct examination and cross-examination.

Course evaluations were uniformly positive. Useful suggestions will be incorporated in the course outline for future offerings.

Appellate Primer

Business Plan Goal 3

Objective 3.1

An appellate primer was held on May 4, just prior to the 2005 Spring Crown Counsel Conference. Conducted by the Criminal Appeals office, the purpose of the primer was to identify and develop Crown counsel in all regions of the province who have shown an interest and aptitude for appellate work. After consultation with Regional Crown, Acting Director of Criminal Appeals Gregory Fitch, QC, compiled a list of invitees who met the criteria. Fifty-one Crown counsel attended in addition to 13 Criminal Appeal counsel, with every region represented. All 13 Criminal Appeals Crown assisted in preparing materials and gave oral presentations at the seminar. The Honourable Claire L'Heureux-Dubé, Mr. Justice R. Low, Richard Peck, QC, and Greg Fitch attended and provided invaluable advice on advocacy and helpful hints on written and oral argument.

No written evaluations were solicited from those in attendance, however, there was significant, positive feedback volunteered from many. Despite the potential for a one-day seminar on such a broad topic to be overwhelming, a large number of participants commented that the oral presentations were informative and the comprehensive materials provided were a very helpful resource. In fact, Justice Low, after reviewing the materials, complimented its authors and requested to take a copy with him to the Court of Appeal.

The primer more than accomplished its goals: a significant regional resource base was cultivated, the mystique of appellate practice within the branch was lessened, all Criminal Appeals counsel were introduced to regional resources, and ongoing dialogue was encouraged.

Because of the primer's tremendous success, it is recommended that it be repeated on an ongoing basis, perhaps on a three- to four-year rotation.

BRANCH DEVELOPMENTS & HUMAN RESOURCES

May 2005 Spring Crown Counsel Conference

A record number of 394 registrants participated in an impressive 2005 Crown Counsel Professional Development Conference in Whistler on May 5 and 6 at the Fairmont Chateau Whistler Hotel. Assistant Deputy Attorney General Robert W. G. Gillen, QC, opened the conference and welcomed attendees. The conference theme was "Recognizing Excellence."

The Honourable Claire L'Heureux-Dubé, retired Justice of the Supreme Court of Canada (second from left), inspired the capacity crowd with her keynote address. Joining her are, from left, DRCC Christine Lowe , RCC Jennifer Power (both Region 1) and ACC Joyce DeWitt-Van Oosten (CASP).

Conference Chair Jennifer Power introduced the keynote speaker, the Honourable Claire L'Heureux-Dubé, retired Justice of the Supreme Court of Canada. The distinguished jurist spoke engagingly about her experience as a judge of this country's highest court and her concern for justice, equality and human rights. Her address was sprinkled with humourous anecdotes that drew appreciative laughter and applause from the capacity crowd. Justice L'Heureux-Dubé expressed her admiration for the outstanding dedication and commitment Crown counsel bring to their work, and pointed out its critical importance to the justice system. Her inspiring speech was the highlight of the conference and a great morale booster at a difficult time for Crown counsel. It drew a standing ovation.

The plenary session, "Wrongful Convictions: Lessons Learned," followed Justice Claire L'Heureux-Dubé's address. While introducing the topic, moderator ADAG Robert Gillen referenced the *Report on the Prevention of Miscarriages of Justice* by the Federal-Provincial-Territorial Heads of Prosecution Committee Working Group. He then outlined the response of the Branch Management Committee to the report and the steps the Criminal Justice Branch is taking to prevent wrongful convictions.

Well-known Vancouver defence counsel Peter Wilson, QC, who represented wrongfully convicted Thomas Sophonow at Manitoba's Sophonow Inquiry, examined the factors that contribute to wrongful convictions and cautioned Crown counsel to be on the lookout for them, either individually or in combination with one another.

Manitoba Deputy Minister of Justice and Deputy Attorney General Bruce MacFarlane, QC, outlined how the Crown should respond when a wrongful conviction is identified and, in particular, provided interesting information about the processes Manitoba has initiated to review wrongful conviction claims.

Finally, Thomas Sophonow presented a sobering lesson about wrongful convictions that all who heard him will not forget. He spoke about the devastating impact of being

continued...

Business Plan Goal 3
Objective 3.1

Business Plan Goal 1
Objective 1.2

Business Plan Goal 4
Objective 4.4

Crown Counsel Lyle Hillaby (left) and Geoff Barager (right), of Region 3, with Dr. Shao-Hua Lu, Dr. Emlene Murphy and Dr. Joseph Noone. The distinguished psychiatrists panelled the breakout session, "Crystal Meth and Other Street Drugs—Psychiatric Views on Culpability and Other Issues."

L-R, Crown Counsel Jeni Gillings, Catherine Murray and Leslie Baskerville (Region 1).

May 2005 Spring Crown Counsel Conference *continued...*

wrongly convicted of murder and subsequently spending four years in jail for a heinous crime he did not commit.

Having Thomas Sophonow tell his tragic story in person made a powerful impression. He described a heart-rending account of how he was shunned and vilified. The considerable audience of Crown counsel and other participants who work in the criminal justice system gave Thomas Sophonow a standing

ovation for his courage in speaking publicly about his terrible experience.

After the plenaries, breakout sessions held over the next two days covered a wide array of topics: electronic evidence and disclosure, DNA warrants and other investigative techniques, children and vulnerable witnesses, crystal meth and other street drugs, surviving the mega-trial experience (Air India), understanding crime cycles, malicious prosecution, sentencing pitfalls, commercial crime tips, a legislation update, legal advice to the police, and fetal alcohol spectrum disorder.

There were also two breakout sessions on wellness, in keeping with the branch's new policy of addressing personal issues confronting Crown rather than limiting the topics to purely law-related matters. The wellness sessions dealt with building resiliency in a stressful work environment.

Representing a first at this year's conference, the traditional Thursday night dinner showcased the conference theme, "Recognizing Excellence." The dinner was jointly emceed by ADAG Robert Gillen and Conference Chair Jennifer Power.

The event began with a moment of silence in memory of three colleagues who had

continued...

Members of the Environmental Prosecutions Group (as of May 2005). From left, Crown Counsel Jim MacAulay (Region 3), Ron Beram (Region 5), Jonathan Oliphant (Region 4), David Beaton (now with Alberta Crown), John Blackman (Region 1), Norman Yates (Region 4), Ralph Keefer (Region 2), Christine Birnie (Region 5) and Brian Rendell (Headquarters).

Security and technology experts at the conference. From left, Lin Neufeld from the CIO Security Office, Technical Analyst Riaz Bassari, Systems Analyst Stan Khan, Systems Administrator Lawrence Brown, Systems Analyst Barbara Jones and Systems Manager Stephanie Lee.

Assistant Deputy Attorney General Robert Gillen congratulates Crown Counsel Wendy Stephen, QC (Region 3). Wendy was among the group of 20 prosecutors who were honoured for their excellent work at the conference.

May 2005 Spring Crown Counsel Conference *continued...*

passed away recently: Richard Achtem, Allan Adlem and Richard Wallensteen.

Members of the conference organizing committee were asked to come forward and were recognized for their valuable contributions towards the success of the conference.

After dinner, the evening's proceedings resumed over coffee and dessert. Air India team leader Robert Wright, QC, paid tribute to the members of his prosecution team, and ADAG Robert Gillen thanked him for his outstanding leadership.

Recognition awards were presented to 20 Crown lawyers to the applause of their colleagues. The prosecutors—nominated by the five regions, CASP and BMC—were called forward, either individually or in groups of two to four, in recognition of their excellent work on a wide variety of demanding assignments.

In summation, the consensus among Crown counsel attending this year's conference was that it was one of the best—perhaps *the* best—conferences ever, particularly because of the inspiring nature of the plenary sessions, the well-deserved accolades bestowed upon their colleagues at the recognition dinner and the first-class amenities at the venue.

Office Manager Wendy Chaytor, currently working with the Litigation Managment Team, and Professional Development Assistant Cindy Kinghorn, both from CASP.

BRANCH DEVELOPMENTS & HUMAN RESOURCES

Administrative Support Staff Conferences

During fiscal 2005 – 2006, three administrative support staff conferences were held in the regions.

Region 2 held its support staff conference, called "Moving Up, Moving Forward," on May 4 and 5, 2005, at the Vancouver campus of the Simon Fraser University. In Region 2, these conferences are repeated on each day so about 50 per cent of the staff can attend on either day. Sessions included "Behavioural Event Interviewing," led by Gail Sexsmith of Kerrison Consulting, and "The Joy of Conflict Resolution," presented by Gary Harper.

Region 4's November 24 and 25, 2005, support staff conference was attended by a small group of 18 participants and held at the regional Crown office in Kamloops. Sessions included stress management, delivered by the BC Public Service Agency; Bill C-2, presented by Crown Counsel Lee Porteous; and an information technology update with Systems Manager Stephanie Lee. Both Lee and Stephanie travelled from Headquarters in Victoria. There was also a session on Time On Line.

Region 1 held its support staff conference on February 3 and 4, 2006, at Tigh-Na-Mara Resort in Parksville. Headquarters staff also attended. A "Workplace Violence Prevention" workshop took up the day on February 3, with identical morning and afternoon sessions to suit staff schedules. February 4 sessions included a Bill C-2 presentation by Deputy Regional Crown Glenn Kelt, QC; Youth Crown Jamie Dunlap and Constable Brad Fraser of the Victoria Police Department discussed crystal meth, youth and the criminal justice system, which included explicit photography of neighbourhood meth labs; Judith Wright spoke about child victims and witnesses of crime; and Headquarters' System Analysts Rhonda Renning and Riaz Bassari were among the experts providing updates on computer technology and new security initiatives. Also covered were STIIP provisions and managing health-related absences, and health and wellness.

Business Plan Goal 3

Objective 3.1

Region 5 held a support staff conference in March 2005 and because of the difficulties of travelling during the winter, decided to hold their next conference in June 2006, with Region 4. It is likely that subsequent Region 5 support staff conferences will be held in or around the month of June.

Region 3 also held support staff conferences on either side of fiscal 2005/06—one in March 2005 at the Surrey Guildford Inn and one in May 2006, in which they will link up with Region 2 for a joint conference at New Westminster Quay.

Office Managers Conference

The eighth annual Office Managers Conference took place March 6 – 8, 2006, at the Laurel Point Inn in Victoria. This event gives CJB's office managers the opportunity to convene from all parts of B.C. for training and information-sharing.

Acting Assistant Deputy Attorney General Jennifer Power opened the conference and guest speakers presented on various topics including information technology, building workplace trust, managing non-culpable performance and "growing through the growth of others." This year, café breakout sessions were held, where various topics were discussed as pertaining to managing a Crown counsel office in British Columbia.

This year's conference was an extremely positive event, as indicated by the evaluations. Both the venue and agenda were very well-received.

Business Plan Goal 3

Objective 3.1

2005 Fall Leadership Conference

Business Plan Goal 3

Objective 3.2

A record number of 135 people registered for the branch's first Fall Leadership Conference held November 17 -18 at the Radisson Hotel. Of those registered, 12 colleagues from the Legal Services Branch and Justice Services Branch took up the invitation to join CJB on the first day, which was entirely devoted to the subject of leadership.

Previously, the conference was entitled the Administrative Crown Counsel Conference and held at the same time of year. Criminal Justice Branch office managers and managers of administrative services were also invited to this year's conference.

The chair of the Leadership Committee, Regional Crown Counsel Jennifer Power, welcomed attendees and introduced the keynote speaker, His Worship Mayor Larry Campbell of Vancouver.

Mayor Campbell gave a lively, humorous speech in which he expressed himself with characteristic candour. In his view, leaders must be honest, well-informed and to have a vision of what they wish to accomplish. They should be pragmatic as well and be able to recognize what is possible and what is not. Leaders require the support of an able team if they are to succeed—made up of people who will give them the straight goods, not a bunch of "yes-men." And ideological differences should not stand in the way of partnering with others to achieve common goals.

Mayor Campbell stressed the importance of keeping focused on objectives and not getting sidetracked into pointless, acrimonious debates. A pithy illustration of this, Mayor Campbell repeated the only advice his father gave him when he left home: "Never wrestle with a pig because you'll get dirty and the pig will enjoy it." Mayor Campbell's keynote address, delivered in the closing days of his tenure, received enthusiastic applause.

The Myers-Briggs Type Indicator test was examined for the bulk of the morning. Most attendees completed the test in advance and received their results in a sealed envelope as part of the registration package. Sheila Moynihan of Western Management Consultants described how the test measures people's individual preferences and differing styles of behaviour, based on Carl Jung's work on psychological types. She explained how an appreciation of one's own strengths and weaknesses and those of others can be helpful in avoiding misunderstandings and contribute to better working relationships.

In the afternoon, participants discussed six different models of leadership, their pros and cons, and the need to choose a style that suits the circumstances. Don Sherritt of Western Management Consultants led the session and he explained the concept of emotional intelligence, which, essentially, is the importance of understanding one's own emotions and their effect on others. He then posed the question, "What can Administrative Crowns do as leaders while honouring Crown counsel autonomy?" People were divided into breakout groups to discuss the question and were asked to report back with their suggestions. Don ended the session by covering five dysfunctions that can afflict people when working in a team.

His Worship Mayor Larry Campbell of Vancouver was the keynote speaker at the first Criminal Justice Branch Fall Leadership Conference.

The day was wrapped up with closing remarks by Assistant Deputy Attorney General Robert Gillen. He was followed by Solicitor Richard Fyfe of the

Legal Services Branch, who conveyed Assistant Deputy Attorney General Rob Lapper's regrets and expressed the appreciation of the Legal Services and Justice Services participants for the invitation to the event.

Day two of the conference began with a panel on the new Crown Counsel Policy Manual. Director of Policy and Legislation Richard de Boer delivered on a promise to make the presentation both interesting and amusing. Throughout, the panel—consisting of Richard, Rick Isaac, Christine Lowe, Bill Jackson and Terry Schultes—managed to hold people's attention and garner some laughs as well, which was a remarkable achievement given that the subject matter can be rather dry.

Teresa Mitchell-Banks and Mark Levitz followed with a presentation on the structure and mandate of the new Organized Crime Unit and how they anticipate its work will mesh with that of the regions.

The last presentation of the morning was a legislative review with panellists Art Hargrove, Wendy van Tongeren Harvey, Lee Porteous, Peter Insley and Roger Cutler. The group updated on developments in a number of different areas: the *Sex Offender Information Registration Act* (SOIRA) and the National Sex Offender Registry; Bill C-2, which amended the *Criminal Code* (Protection of Children and

continued...

Some participants at the Leadership Conference. Above, top row: Leadership Committee Chair and RCC Jennifer Power (R1), Crown Counsel Wendy van Tongeran Harvey (R3), Conference Organizer Karen Massicotte, Deputy Regional Crown Counsel John Labossiere (R3); front: CJB Professional Development Coordinators and Crown Counsel Laura Ford and Cal Deedman (CASP).

Below, top row: MASs Peter Pang (R5), Phill Hadford (CASP), Maureen Wiekenkamp (R2), Judy Jordan (R3) and Michael Hays (R4); Office Manager Gail Lane (HQ); front: former MAS Matt Adie; Director, Management Services Jenny Manton (HQ), former MAS (R1) and Manager of Finance and Administration Brian Anderson (HQ).

Leading the session on media relations were (from left) Director of Legal Services Geoffrey Gaul (HQ), Court Services' Patricia Bowles, Communications Counsel Stan Lowe (HQ) and Court Services' Sheriff Tom Collins.

2005 Fall Leadership Conference *continued...*

Other Vulnerable Persons) and the *Canada Evidence Act;* Bill C-10 (Mentally Disordered Offenders) and DNA authorizations.

Director of Legal Services Geoff Gaul and Communications Counsel Stan Lowe kicked off the afternoon with a lively session full of useful tips on how to deal with the media. They were assisted by Court Services' media relations experts Patricia Bowles and Tom Collins. The highlight was watching Criminal Appeals' Administrative Crown Counsel Scott Bell trying to hold his own while being relentlessly peppered with tough questions by a merciless media scrum played by panel members with great gusto.

Mary Ainslie and John Ahern made up the final panel of the conference. Mary drew on her experience with the Air India prosecution team to talk about publication bans, and John spoke about providing access to exhibits, citing his experience as a member of the Pickton prosecution team. Despite drawing the last time slot on the last day, as well as having to follow the boisterous media relations session, Mary and John proved more than equal to the challenge, providing an interesting, informative session and capping off an excellent conference.

Staff Appreciation and Awards

Here follows an appreciation snapshot of Criminal Justice Branch employees during this reporting period. Accolades are presented in loose alphabetical order and derived from information provided from regions and various sources throughout the branch.

Kudos go to...

...Administrative Support Staff in Region 5 for their exemplary efforts to maintain the daily operations of the Fort St. John Crown Counsel office in light of unexpected departures. This feat was accomplished by lengthy secondments from Prince George of **Clerk Stenographer Donna Bigras** and **Clerk Stenographer Michelle Leinweber,** and **Legal Secretary Caroline Bourdon** of Terrace. The administrative support teams in Prince George and Terrace are also to be lauded for picking up the additional burden while their co-workers were assisting in Fort St. John.

...Crown Counsel Mary Ainslie for receiving the Faculty of Law's Adjunct Professor Outstanding Service Award at the University of British Columbia in September 2005. The award is given annually to a practicing lawyer who teaches at the law school and who demonstrates a strong commitment to the law school and to the education of future lawyers. An adjunct professor since 2000, Mary has taught first-year criminal law and now co-teaches a course called "Preventing Wrongful Convictions: Advanced Criminal Evidence." Mary also co-coaches a UBC moot team that matches wits in a national criminal law appellate moot competition each year in Toronto. Mary says students enjoy her classes because she provides such excellent guest speakers at her lectures, many of whom are from the CJB, including **Mark Levitz, Henry Waldock, Ursula Botz, Dianne Wiedemann** and **Jennifer Duncan.**

...the Air India prosecution team who were honoured by the International Association of Prosecutors (IAP) with a Special Achievement Award in August 2005. **Joe Bellows, QC,** accepted this award on behalf of the prosecution team at the IAP Conference in Copenhagen, Denmark. Sixty names of CJB staff were included in the nomination. Citing the challenges that were overcome, the IAP newsletter notes," The Air India prosecution team was headed by **Robert Wright, QC,** who demonstrated leadership over a team that displayed resilience, fortitude, patience and strength of character." Congratulations to the dedicated lawyers and administrative staff who worked tirelessly on this unprecedented prosecution.

...Crown Counsel Andrew Cochrane for his part in the committee looking into the establishment of a community court system for the Downtown Eastside in Vancouver.

...Youth and Traffic Court Administrative Crown Counsel Sandra Cunningham, QC, who is responsible for the branch's advocacy skills training program for new Crown counsel. In the past year, Sandy organized two advocacy workshops for junior Crown counsel. In addition, Sandy has done a significant amount of advocacy teaching for other criminal justice organizations and departments and is also involved in training sexual assault nurse examiners on how to give evidence.

...Office Manager Ritchie Day who managed both the office and provided immeasurable support to the prosecution when the Fort St. John Crown counsel complement was reduced by one.

...Crown Counsel Cal Deedman for his significant written contributions to the content of the annual report.

...Crown Counsel Sandra Dworkin, Hank Reiner and Karima Andani for their successful participation in the first pilot of Ringtail, the litigation management software program. The pilot is a part of the Litigation Management System Project, which is under the guidance of **Crown Counsel Jim Hughes** from the Fraser Region. The program was used to assist in sorting out the "labyrinthine contents" of the *Lanot* murder file.

continued...

Staff Appreciation and Awards
continued...

Joe Bellows, QC, accepts the Special Achievement Award on behalf of the Air India prosecution team at the 10th Annual Conference of the International Association of Prosecutors held in Copenhagen in August 2005.

...**Deputy Regional Crown Counsel Craig Dykes** and **Regional Crown Counsel Terry Schultes** for their involvement in the negotiations and meetings leading to protocols recently established with police agencies regarding disclosure issues as well as procedures in relation to "E-files."

...**Crown Counsel Brian Fell** of the Prince George office for his initiative in setting up and continuing to be a contact for a Crown counsel discussion forum. When started, the forum was e-mail based and then changed to a public folder system in August 2005. The folder system permits members of the group, which number about 130 Crown lawyers, to electronically converse and discuss legal issues and questions. The public folder is displayed in the e-mail application Outlook and only members can see and use it.

...**Administrative Crown Counsel Colin Forsyth** (Kelowna) for taking over the additional responsibilities of administrative Crown counsel in Penticton for an extended period.

...**Assistant Deputy Attorney General Robert Gillen** for his appointment to the Forensic Psychiatric Services Commission, pursuant to the *Forensic Psychiatry Act*, as approved and ordered in February 2006.

...to the Interior Region Finance Office consisting of **Acting Manager of Administrative Services Mike Hays, Acting Regional Financial Officer Sandra Scherly, Financial Assistant Danya Edwards and Regional Secretary Dorothy Brandt,** all of whom performed well under challenging, changeable circumstances.

...**Crown Counsel John Hempstead** who regularly contributes to the branch by reviewing recent decisions posted on the B.C. Provincial Court website and distributing synopses of these cases by e-mail to interested Crown counsel province-wide as well as on **Brian Fell's** Crown counsel discussion forum.

...**Crown Counsel Nils Jensen** who, along with two team members, was nominated as a finalist in the Premier's Awards in March 2006. The team was nominated in the Partnership Category for the development of the Bylaw Dispute Adjudication System Committee. Under the new bylaw dispute model, if no agreement can be reached with the local government screening officer, the dispute is heard by an independent adjudicator. Usually, the Provincial Court of B.C. handles all disputed municipal bylaw tickets. The high cost of enforcing bylaws through the courts is a significant barrier for local governments—a typical bylaw prosecution can cost as much as $3000 and result in a $100 fine. In addition, because more serious court matters take priority, bylaw disputes are often delayed or adjourned leading to further costs. Processing and hearing bylaw disputes costs the province $1 million per year. An evaluation of the project's pilot with the City of North Vancouver shows the new model is a whooping success! The new model also benefits those using the courts to hear more serious matters. The new bylaw dispute model is unique in Canada. Other provinces are interested in developing similar reforms.

...**Crown Counsel Ron Kockx** for his photography at Crown counsel professional development events. Many of Ron's photographs grace the pages of this report as well as the previous 2004/05 annual report.

...**Legal Secretary Tracy Kohinski** completed her first

half-marathon as a participant in the Scotia Bank Half-Marathon in June 2005. Tracy went on to run the Victoria Half-Marathon in October 2005, achieving an improved time and proving anything is possible.

...Clerk Stenographer Shelley Marthinsen. When the Quesnel Crown counsel office prosecuted an impaired driving/dangerous driving causing death trial this fiscal year, the victim's family particularly asked that Shelley be complemented for her efforts in keeping them informed as to the progress of the trial and for the sensitivity with which they were treated.

...Crown Counsel Brendan McCabe for receiving the Vancouver Police Board's Certificate of Merit and Chief Constable's commendation for his work on the *Bakker* prosecution, as presented on April 21, 2005. The case was the first prosecution in Canada under the "sex tourism" provisions of the *Criminal Code*. Brendan was honoured for his extensive advice to police at the earliest stages of their investigation and shortly after the accused was arrested, and he was solely responsible for the charge approval and ongoing advice to the police as well as the preliminary hearing.

...**Crown Counsel Daniel L. Mulligan** for assisting new Crown counsel and articled students hired on monthly secondments at Vancouver Provincial Court by reviewing and updating a manual entitled "Court 100: A Guide for Articled Students."

...Administrative Crown Counsel Kathy Murphy, in addition to mentoring new Crown counsel in Vancouver Region, has implemented a file management process for her team. The new process has resulted in a more efficient and effective movement of her team's files through the Vancouver Provincial Court office system.

...all staff of the Nelson, Cranbrook and Penticton offices who carried on in significantly difficult staffing situations, and to **staff with other Interior Region offices who volunteered their assistance** in spite of their own workload challenges.

...Crown Counsel Wayne Norris who received a commendation from the Canadian Cancer Society for his support and commitment in his role as the Cops for Cancer, Tour de Valley regional committee chair as well as participating as the tour coordinator and cyclist. To quote from the society's letter to the Attorney General, "Mr. Norris brought sponsorship, leadership and mentorship to the team. His partnership, co-operation and teamwork with (sic) Society staff is outstanding... We appreciate his sacrifice of time to raise funds for childhood cancer research, camps and programs that support children with cancer. The 2005 Tour de Valley exceeded all expectations of teamwork and community engagement and also exceeded its revenue goal... Retired Corporal Norris' involvement contributed significantly to that total."

...Crown Counsel Gillian Parson for committing extra time to establishing the Summary Conviction Appeal Factum Index, which significantly assists prosecutors conducting research on subjects covered by summary conviction appeals heard in the past few years. The index will also assist Crown counsel throughout the province in taking a uniform position on many of the issues covered by the appeals. Gillian also established an up-to-date system for summary conviction appeal case updates, which is distributed to all administrative Crown counsel and any staff who request to be on the mailing list. Gillian's efforts are assisting Crown counsel in remaining current about *Summary Conviction Act* issues and rulings.

...Crown Counsel Crichton Pike, Autumn Netting, Neil MacKenzie and Laura Ford for their assistance with the RCMP Forensic Laboratory Service in the design of a web-based blood alcohol concentration calculator for use by Crown counsel.

...Crown Counsel Phil Pool and **Crown Counsel and Professional Development Coordinator Cal Deedman** for their photography contributions to this annual report.

continued...

Kudos to Crown Counsel Ron Kockx for his photography contributions to this report and to Crown Counsel Laura Ford (along with colleagues Crichton Pike, Autumn Netting and Neil MacKenzie) for assistance in the design of web-based blood alcohol concentration calculator for use by Crown counsel.

Staff Appreciation and Awards *continued..*

...Clerk Stenographer Maureen Schofield who completed her first year of post-secondary education in 2005 after being "away from school for 26 years" and attaining President's Honour Roll status. Maureen is currently working towards an Associate Degree in Psychology and plans to attend Simon Fraser University for her Bachelor of Arts degree.

...Crown Counsel Wendy Stephen, QC, who is one of three Canadian members of the executive committee of the International Association of Prosecutors (IAP). Wendy was elected for a three-year term at the 10th annual IAP conference held in Copenhagen in August 2005.

...Crown Counsel Henry Waldock for maintaining a website on criminal law for police officers.

... **Crown Counsel Karen Wikberg** who authored a section on video evidence for the branch's Constitutional Support Handbook.

...former Administrative Crown Counsel Grant Wong (now DRCC with Vancouver Region) for producing an excellent manual for the computerized editing of electronic files (redacting) received from the police so files can be disclosed to the defence without divulging confidential or privileged information.

...all Criminal Justice Branch contributors to the 2005/06 annual report for having taken time from their busy days to provide information and content for the drafting of the report.

BRANCH DEVELOPMENTS & HUMAN RESOURCES

Planning Committee Members 2005 – 06

Grateful acknowledgment goes to the following staff for their contributions while serving on Criminal Justice Branch planning committees during 2005/06 fiscal.

Crown Counsel Policies and Procedures
Richard de Boer, Director, Policy and Legislation, Headquarters, Chair
Gail Bettger, Legal Secretary, Headquarters, Project Support
Rick Isaac, Crown Counsel, Headquarters
Bill Jackson, Administrative Crown Counsel, Region 5
Christine Lowe, Deputy Regional Crown Counsel, Region 1
Brian MacFarlane, Administrative Crown Counsel, Region 2
Chris McPherson, Crown Counsel, Region 3

Human Resources
Jenny Manton, Director, Management Services, Headquarters, Chair
Matt Adie, Acting Manager of Administrative Services, Project Support
Anne Boyle, Office Manager, Region 2
Lena Dal Santo, A/Deputy Regional Crown Counsel, Region 3
Jeff Dyment, Deputy Regional Crown Counsel, Region 4
Oleh Kuzma, QC, Regional Crown Counsel, Region 5
Mac Langille, Office Supervisor, Region 5
Christine Lowe, Deputy Regional Crown Counsel, Region 1
Kevin Marks, Crown Counsel, Region 2

Leadership
Jennifer Power, Regional Crown Counsel, Region 1, Chair
Brian Anderson, Manager of Administrative Services, Region 1
Greg Fitch, QC, Acting Director, CASP
Melissa Gillespie, Regional Crown Counsel, Region 3
Jenny Manton, Director, Management Services, Headquarters
Basil McCormick, Crown Counsel, Region 4
Plus resource people in the regions

Management Information
Richard de Boer, Policy and Legislation, Headquarters, Chair
Reg Dumont, Project Manager, Headquarters
Jeff Dyment, Deputy Regional Crown Counsel, Region 4
Melissa Gillespie, Regional Crown Counsel, Region 3
Debbie Harris, Crown Counsel, Headquarters, JUSTIN
Paul Kirk, Administrative Crown Counsel, Region 5
Miriam Maisonville, Crown Counsel, Region 2
Terry Schultes, Regional Crown Counsel, Region 2
Brent Thompson, Planner, Headquarters
Maureen Wiekenkamp, Manager of Administrative Services, Region 2, Project Support

Professional Development
Greg Fitch, QC, Acting Director, CASP, Co-chair
Jenny Manton, Director, Management Services, Headquarters, Co-chair
Cal Deedman, Crown Counsel, CASP
Laura Ford, Crown Counsel, CASP

Business Plan Goal 4
Objective 4.7

Technology
Jenny Manton, Director, Management Services, Headquarters, Chair
Brian Anderson, Manager of Administrative Services, Region 1
Lawrence Brown, Systems Analyst, Region 2
Jim Hughes, Crown Counsel, Region 3
Stephanie Lee, Systems Analyst, Headquarters, Project Support
Teresa Mitchell-Banks, Deputy Director, CASP
Andrea Nash, Financial Officer, Region 2
Shirley Pederson, Crown Counsel, Region 3
Shelley Stewart, Office Manager, Region 4
John Swanson, Deputy Regional Crown Counsel, Region 5
Grant Wong, Administrative Crown Counsel, Region 2

continued...

Planning Committee Members 2005 – 06
continued...

Workload
Terry Schultes, Regional Crown Counsel, Region 2, Chair
Reg Dumont, Project Manager, Headquarters
John Gordon, QC, Crown Counsel, CASP
Shannon Halyk, Administrative Crown Counsel, Region 2
Carolyn Kramer, Crown Counsel, Region 3
John Labossiere, Administrative Crown Counsel, Region 3
Sandy MacDonell, Administrative Crown Counsel, Region 5
Adrienne Murphy, Crown Counsel, Region 4
Janice Poetsch, Legal Secretary, Region 4
Jennifer Power, Regional Crown Counsel, Region 1
Adrienne Venturini, Administrative Crown Counsel, Region 1
Debbie Walter, Office Supervisor, Region 5

BRANCH DEVELOPMENTS & HUMAN RESOURCES

Criminal Justice Branch Long Service Recognition

The following people were recognized for their years of contribution to the branch throughout the regions, CASP and Headquarters during 2005/06 fiscal. The number of years of service to the branch is indicated with each person's name.

Melanie Baylis – 15
Val Belina – 10
Caroline Bourdon – 25
Roger Cutler – 15
Pauline DeCloedt – 10
Debbie DeMedeiros – 10
Sylvie Doerksen – 10
Lori Doumont – 15
Frank Dubenski – 10
Peter Favell – 15
David Fitzsimmons – 10
Kathy Ford – 10
Geoffrey Gaul – 15
Anita Ghatak – 15
Wendy Hartnett – 15
Ron Hurt – 10
Nils Jensen – 10
Ralph Keefer – 15
Pamela Kinloch – 15
Stephanie Lee – 15
Donna Leslie – 10
Karon Lovell – 15
Stan Lowe – 15
Janet MacKenzie – 20
Neil MacKenzie – 15
Jenny Manton – 15
Shona McEnhill – 15
Bob McIntosh – 10
Daniel J. Mulligan – 10
Marjorie Munkley – 15
Jennifer Neid – 10
Renee Norman – 10
Bev Owen – 10
Suzanne Pederson – 10
Sandra Peterson – 10
Ruth Picha – 15
Jennifer Power – 15
Laurie Rex – 10
Simon Richards – 15
Bob Richardson – 10
Judy Riddle – 15
Maire Ruckle – 25
Diane Siemens – 25
Shelley Stewart – 15
Adrienne Venturini – 15
Joanne Verrier – 10
Joanne Williams – 25
Tammy Wright –10
Helga Zeis – 5

Business Plan Goal 4
Objective 4.4

Provincial Government Long Service Awards

Congratulations to all Criminal Justice Branch staff who were awarded for 25 years of service with the Province of British Columbia in 2005. They are:

Kathy Berringer
Caroline Bourdon
Tom Burns
Craig Dykes
Allan Flanz
Garth Gibson
Maureen Gull
Marg Johnson
Anni Larsen
Janet MacKenzie
Brenda Rathjen
Maire Ruckle
Sandra Schmidt
Diane Siemens
Wendy van Tongeren Harvey
Liz Wolfram

2005 – 06 Queen's Counsel Appointments

In December 2005, members of the Criminal Justice Branch were pleased to learn four esteemed colleagues were appointed to Queen's Counsel. They are: Sandra Cunningham, Gregory Fitch, John Gordon and Gregory Weber.

Sandra (Sandy) Ann Cunningham has practised as Crown counsel since 1978 at all levels of court. She juniored John Hall on the Clifford Olson trial, which ended in guilty pleas in January 1981. In addition to carrying out responsibilities as the administrative Crown counsel at Youth and Traffic courts in Vancouver Region, Sandy devotes a considerable amount of time to the development and teaching of advocacy courses. Sandy also has the direct responsibility for training new Crown counsel who are assigned to Youth Court.

Gregory James Fitch, acting director of Criminal Appeals and Special Prosecutions, is a member of the faculty of the Federation of Law Societies, National Criminal Law Program. He has undertaken responsibility for the delivery of legal education programs and professional development to prosecutors throughout British Columbia. Greg is recognized as a keen student of the law and has appeared as appellate counsel on major criminal cases throughout his career with the Criminal Justice Branch.

John Merrick Gordon, acting deputy director of Criminal Appeals and Special Prosecutions, has contributed over 19 years as Crown counsel. Throughout his career in both public and private practice, John has appeared as counsel on high-profile trials and appeals. John is responsible for providing leadership to Crown counsel in criminal appeals to both the British Columbia Court of Appeal and the Supreme Court of Canada. He has consistently demonstrated the finest qualities as an advocate and enjoys an excellent reputation amongst his colleagues at the British Columbia bar.

Gregory A. Weber has practised as Crown counsel in the lower mainland since 1975. In addition to assuming the conduct of serious, high-profile prosecutions, Greg is a well-recognized mentor to others and has lectured on the subject of jury addresses at the UBC Law School.

2005 – 06 Judicial Appointments

The Criminal Justice Branch was pleased with the appointment of four Crown counsel to the British Columbia Provincial Court bench in 2005. Brad Chapman and Anne Wallace, QC, were appointed in July, and Paul Dohm and Richard Romano were appointed in November.

Bradford (Brad) J. Chapman was called to the bar in 1982, and worked in private practice as well as serving with Crown counsel, most recently as regional Crown counsel for Interior Region. Previously, Brad was deputy regional Crown counsel, again with the Interior Region. Brad also coordinated gang prosecutions in Vancouver for more than 10 years. Judge Chapman now sits in Kelowna.

Paul Dohm practised law for 12 years, as Crown counsel and in private practice, and has experience in both criminal law and civil litigation. Paul graduated from the University of British Columbia in 1989 and was called to the bar in 1990. While many Vancouver Region staff are sorry to lose Paul's expertise and companionship, he is wished the very best in his judicial career. Judge Dohm now sits on the bench in the lower mainland.

Judge Richard Romano, most recently deputy regional Crown counsel in New Westminster since 2004, now sits in Abbotsford. Prior to his appointment, Richard was Crown counsel in the Fraser Region since 1989 and held many administrative positions, including in Port Coquitlam. Richard graduated from the University of British Columbia in 1982 and was called to the bar in 1983. He is well-known and respected for his legal knowledge, fairness, excellent judgment, sense of humour and humility.

In August 2005, Victoria's former Youth Administrative Crown Counsel Anne K. Wallace, QC, left the Vancouver Island Region to begin her new career as a provincial court judge in Kelowna. Anne has considerable experience in both private practice and as a Crown prosecutor, in both provincial and federal settings in Vancouver, Nanaimo and Victoria. She has been a bencher with the Law Society of B.C. and active with the Canadian Bar Association and the Continuing Legal Education Society of B.C.

Articling Student Program

Four articling students were employed at the offices of the Criminal Justice Branch during the period of May 2005 through March 2006.

Kathleen McIntosh worked at Family and Youth Court plus Remand Court at 222 Main Street in Vancouver, and the New Westminster Crown and Criminal Appeals offices. Simon Owen worked with Headquarters and Vancouver Crown Counsel. Darcie Suntjens worked with Headquarters and Victoria Crown Counsel. Pam Warner articled with Vancouver Crown Counsel.

2005 – 06 Retirements

Allan Flanz

A well-attended farewell reception was held at the Royal Vancouver Yacht Club in February 2006 for Crown Counsel Allan Flanz, who retired from the Vancouver regional office. Allan started with the Crown in July 1980 and presently continues to contribute as an ad hoc prosecutor.

Bill Herdy

Bill Herdy retired from the Chilliwack Crown Office in December 2005, after practicing law for well over 35 years. During the course of his career, Bill touched the lives of many and impacted hundreds of people.

Bill was called to the bar in 1967 after obtaining his law degree from Osgoode Hall, which Bill claims is the best law school in all of Canada. Surprisingly, Bill's first career interest was not law but rather engineering, and he had already completed a mechanical engineering degree. It is said that while Bill did not pursue the engineering profession, his engineering temperament influenced his entire career, as exemplified in the logical, clean and impeccable plans he always drew up. One would be free to agree or disagree with Bill's conclusions but his argument was there to be seen clearly by judge and jury alike. Little wonder that both were so often persuaded by Bill's arguments.

Following his call to the bar, Bill started the practice of law in Peace River country where the ranching way of life made a deep impression. Yearning for sunshine, Bill moved to the lower mainland in 1973 and became Crown counsel for Richmond, Delta and, finally, Cloverdale.

Bill's career with Crown proceeded for many years and he became a very highly regarded prosecutor. In fact, he was one of two criminal law experts teaching the evening bar admission course to aspiring criminal lawyers in 1980. Bill would talk about how it was Crown's job to fight hard for the public, to be fair with all you dealt with and not to expect accolades or riches.

After a time in private practice, Bill was drawn back to prosecuting. He started with a few days of ad hoc work in Fraser Region. Pleased with the high calibre of Bill's work, days of ad hoc work stretched into weeks, even months. Bill was ready and willing to do the work that others shunned, like prison assault files and the most difficult, troubling sex assault files. Eventually Bill was working full-time for the Crown in all but name and he returned full circle to Crown counsel in 1999 when he joined the Chilliwack office.

Over the years Bill worked at all court levels and in all manner of cases. These ranged from the most mundane shoplifting files to the most dramatic murder files. His favourite trials were the most serious cases where everything was at stake.

Despite his sometimes gruff demeanor, Bill enjoyed an excellent rapport with almost all of his witnesses. Often these people can be quite difficult to deal with, having been kicked around by life in general and by bureaucrats in particular. One of the ways Bill would set them at ease was to meet them at their home or at a coffee shop near their home so they would be in their comfort zone. Bill did not limit himself to daytime hours, Monday to Friday, and would see important witnesses after hours, perhaps on a weekend, if it would help in putting them at ease and gain their cooperation. And it worked. Almost always Bill won over his key witnesses and his cases benefitted accordingly.

During his time in the Chilliwack Crown office, they had numbers of thorny and potentially explosive cases on their plate. All were handled and resolved

expertly by Chilliwack prosecutors and support staff, and one big reason for that success was due to listening and following Bill's excellent advice. Bill is a walking encyclopedia of law, human psychology and practical experience.

Bill is widely respected for his legal skills and strength of character, both as Crown and defence counsel. Not surprisingly, Bill is now one of the most popular ad hoc prosecutors in the Fraser Region. All of Bill's hard work is a credit to the Criminal Justice Branch, and for which he can take great pride.

Coreen Kerr

Witness Notifier Coreen Kerr commenced employment with the Criminal Justice Branch in March 1978 and never looked back.

Coreen's first assignment was with the Tracing Unit. Most of the tracing investigators were former police members. At that time, Coreen assisted in locating people for the Ministry of Finance, family court, traffic court, all provincial Crown counsel offices as well as efforts to locate people who owed money to a number of other ministries. Other provinces sent representatives to review the operations of the Tracing Unit with the goal of setting up a similar unit of their own.

Financial cutbacks were imposed in 1984 and the Tracing Unit was made redundant. Coreen recalls finishing work with the Tracing Unit on a Friday and starting employment as a witness notifier with the Vancouver Regional Crown Counsel Office on the following Monday.

As a witness notifier, Coreen located witnesses for court and advised them of trial and interview dates, and changes and cancellations. The witness notifiers were sworn in as deputy sheriffs to facilitate serving witnesses with subpoenas to attend court when required.

During her 28 years with the Criminal Justice Branch, Coreen was able to hone her skills in locating various individuals and she made a number of valuable contacts who continued to assist her in locating witnesses. The enactment of the *Freedom of Information and Protection of Privacy Act* ended many of those contacts but Coreen was able to work around the situation and devise other avenues for locating witnesses, both in Canada and in other countries around the world.

A farewell luncheon was held for Coreen in March 2006. Overall, Coreen misses the comradeship of the Crown office but she is extremely busy trying to cope with staying up late, sleeping in and catching a few rays!

Diane Hawley

Clerk Stenographer Diane Hawley retired March 31, 2006, after 10 years of tireless service at the Kelowna Crown office.

Diane's career in government began in 1984. Before joining the Criminal Justice Branch, Diane worked with the Ministry of Health, in alcohol and drug programs.

Diane has a warm, comforting manner, which she applied to the branch's great benefit when dealing with calls and counter enquiries from victims, witnesses and other members of the public who were often

continued...

Retirements *continued...*

stressed or agitated. Her most noteworthy skill was putting witnesses at ease and dealing thoroughly with their concerns or complaints.

Diane could always be relied upon to assist her colleagues as needed with translation of French language documents or when dealing with French-speaking individuals.

Diane likes to laugh and frequently brings that out in others. She continued with this tradition right up to her last day in the office when she proudly wore a t-shirt with the words: "Good-bye tension—hello pension!" That says it all! Thanks, Diane, for your great contribution to the Kelowna Crown counsel office and the Criminal Justice Branch. Your infectious laugh and outstanding work is missed!

Marg Johnson

In December 2005, Marg Johnson retired after 10 years of outstanding service to the Criminal Justice Branch as manager of administrative services for the Interior Region, which culminated a total 25 years service with government.

Marg started with the provincial government in 1979. In 1985, Marg began a position as a financial officer with the Ministry of Forests in Kamloops. Then in 1990, she was appointed district manager of administrative services for the same ministry in Lillooet. To the branch's great fortune, Marg arrived in Region 4 as the manager of administrative services (MAS) in October 1995. Almost immediately Crown counsel and support staff saw the practical results of Marg's knowledge and "can do" attitude. She became the driving force behind every facilities and human resource expansion over the last 10 years in each of Region 4's seven offices.

Four regional Crown counsel, numerous administrative Crown counsel and countless line staff have benefitted from Marg's near magical ability to provide the needed resources to get the job done. Marg has a special knack for always finding a way to meet the needs of Crown Counsel and support staff—old desks, chairs and fixtures were replaced; entire offices were renovated or relocated and enlarged; technology was acquired or upgraded; training requests were approved; excellent staff were recruited and hired; and budgets were consistently planned and met. Marg gained province-wide recognition for her ability to develop realistic regional budgets, which somehow accounted for every contingency that could occur and yet managed to have just a little bit left over at year's end.

A firm believer that no one should ever stop learning, Marg was a great encouragement to many Crown and support staff who sought to pursue advancement or other opportunities within the branch through training and self-development. Marg's value to the branch was not limited to her service as MAS. From August 2002 until March 2005, Region 4 "shared" Marg while she worked out of Headquarters as the acting director of planning for the Criminal Justice Branch. She performed this branch planning function *in addition* to her responsibilities as MAS for Region 4. As the acting director of planning, Marg threw herself 110 per cent into various projects, with virtually every one of them being completed successfully on time, as well as on or under budget.

The extraordinary contribution of Marg Johnson to the Interior Region and the branch was recognised at a dinner held on February 24, 2006, at the Sun Rivers Golf Club in Kamloops. The dinner and a requested tribute roast was well-attended and featured speakers Assistant Deputy Attorney General Robert Gillen, QC; two former regional Crown counsel: Mr. Justice Barrow and Judge Brad Chapman; current Regional Crown Counsel Steve Harrison and Crown Counsel Iain Currie as the master of ceremonies.

Marg had only one speed throughout her CJB career—full speed ahead, and she has not changed this since her "retirement." Marg Johnson continues her tradition of public service excellence as a

busy lecturer for Thompson Rivers University.

Patricia Donald

Patricia Donald, QC, retired from her duties as Crown counsel on December 31, 2005, leaving behind the admiration of her colleagues, the unwavering support of the police community and a reputation as a fearless innovator in the field of economic crime. A luncheon was held in her honour on December 19, 2005.

Pat has enjoyed several careers during her working life and has brought the same sense of purpose and energy to each of them. After graduating from the University of British Columbia with a teaching degree, Pat taught for eight years at elementary, junior and high school levels. She developed a law course while at Eric Hamber Secondary and worked as a teaching assistant at Simon Fraser University.

The call to laws and letters was too strong for Pat to ignore so in 1971 she left life as a teacher to return to the humble beginnings as a student in the Faculty of Law at UBC. After graduating in 1974, Pat was called to the bar the next year and after a short stint in private practice joined the Crown in the former Burnaby office in 1976.

In the 30 years that followed, Pat worked in just about every area the Crown had to offer, rising through traffic and youth courts to become the administrative Crown counsel in West Vancouver. However, in 1981 Pat joined the newly formed Commercial Crime Section at the Vancouver regional office and a new experience in prosecutions unfolded for her and for the criminal justice system with the rapid expansion of economic crime investigations.

Pat quickly became a recognized expert in the fields of money laundering and proceeds of crime, not just in our province but around the world. She successfully prosecuted one of the first litigated proceeds of crime cases in *R. v. Cruickshank* and initiated the first prosecution of an Internet gaming enterprise, which resulted in a $6 million forfeiture to the province in *R. v. Starnet Communications International Inc.*

Representing the Criminal Justice Branch, Pat has travelled extensively lecturing on economic crime issues including stops as diverse as Ottawa, Malta, Kuala Lumpur and Beijing. Her advice on proceeds of crime prosecutions, legislative reform and asset management was sought at provincial and federal government levels, in relation to both criminal and civil remedies.

"Patricia Donald is the original face of proceeds of crime prosecutions in British Columbia," says Acting Director, Criminal Appeals and Special Prosecutions Greg Fitch. "She has brought great pride to all of us with her unique commitment to major economic crime files."

Inspector Brad Desmarais, OIC, of the RCMP's Integrated Proceeds of Crime Section praises Pat's contribution as well, "Patricia Donald is, in many respects, responsible for the philosophy and approach used in proceeds investigations in B.C. Her early interest in this area coupled with her approachability has resulted in her becoming our primary resource person. Ms. Donald's sage advice has salvaged many investigations and the police community owes her a vote of thanks for her dedication and tenacity."

Pat loves to travel to remote regions. While on a trip in Egypt, she was warned by the locals to be wary because numerous warlords controlled the area. Her first retirement jaunt was a trip with husband Bruce to the Copper Canyon in central Mexico where she did some travel by donkey and managed to unearth some drug labs. Old prosecutorial habits are hard to break!

Along with more time for friends and family, Pat has vowed to finally get work done at home as well as to keep her hand in the legal business. Patricia Donald will be missed by her colleagues but she has left an indelible mark on the Criminal Justice Branch. Her wise counsel will continue to guide the branch in the years ahead.

Retirements *continued...*

Sanford Cohen

Sanford Cohen has worked as Crown counsel longer than the lives of many Fraser Region prosecutors.

Called to the bar in British Columbia after attending Dalhousie Law School, Sanford commenced working with the Vancouver City prosecutor's office in 1968 for several years, prior to the existence of the Criminal Justice Branch as it is known today. Then Sanford worked in private practice for a short stint before returning to the Fraser Region in 1975.

Delta and Surrey are just two of the many CJB offices that Sanford worked in during his career span with Crown.

In the 70s, Sanford worked out of the Delta office as the administrative Crown counsel. During that time, Sanford honed his television persona, making weekly appearances on the Delta community cable channel. It is said that a young Terence Schultes, then a Delta resident, watched Sanford on his weekly program and was inspired to become a prosecutor.

In the last 10 years as Crown in Surrey, Sanford was charged with overseeing the bail and first appearance court known as Courtroom 101. Demonstrating a stamina that many younger Crown did not possess, Sanford somehow made people feel at home as he routinely interrupted proceedings to inquire about someone's spouse or where they were going for their holidays or what was the baseball score last night. Visiting judges were often caught unawares. Out of the courtroom, Sanford was known for hitting the links and he became the consummate golfer.

Sanford is well known and respected amongst the judiciary, registry staff, sheriffs, defence bar, and—quite frankly—most of the accused. He appeared as Crown for the last time on December 31, 2005. Then on January 3, 2006, Sanford effortlessly assumed his new role as ad hoc Crown. A retirement party was held in his honour on February 2, 2006, at the Coyote Creek Golf Course in Surrey.

It goes without saying that there will never be another Sanford Cohen.

The Honourable Mr. Justice James D. Taylor

Mr. Justice James D. Taylor died of a heart attack at the age of 63 while at his cabin on Mount Washington on January 8, 2006. His untimely death left the legal community in a state of shock and disbelief. Justice Taylor was a well-respected and revered lawyer, judge, Crown counsel and dedicated family man.

Jim Taylor, as he was fondly called by his peers, was born in Regina in 1942. His father was a member of the RCMP. He spent his early years in Winnipeg before his family moved to Sidney on Vancouver Island. Jim completed his secondary schooling at North Saanich High, and in 1964 received his B.A. in economics and political science from the University of Victoria. After receiving his degree, Jim took off for Europe, working as a conversational English instructor in Germany. There he met and married his wife, Sabine. They returned to Canada and Jim obtained his law degree from the University of British Columbia in 1968. In 1969, Jim was called to the bar in B.C. and joined Buz Heath and Ralph Hutchinson in practice in Nanaimo later that year, becoming a partner the following year.

As a young lawyer, Jim gained courtroom experience under the tutelage of his former partner, Ralph Hutchinson, and also under the guidance of the late David Williams, QC. However, the late Mr. Justice Harry McKay was, in Jim's words, "my true mentor."

Judge Harry McKay was the county court judge in Nanaimo when Jim joined Heath Hutchinson. Judge McKay was probably the premier criminal law judge of his time, having presided over the Clifford Olson trial, among others. Jim described McKay as an "educator with a clear and vital interest in developing young lawyers." Jim maintained that Judge McKay never embarrassed him but on occasion, after having been invited to Judge McKay's chambers, Jim felt he had been taken to the woodshed. At the time of Jim's death he was, like his mentor Judge McKay, presiding over serious high-profile criminal cases in the same courtroom and he occupied the same chambers in the Nanaimo courthouse as Judge McKay.

Jim grew as a lawyer and became a respected civil and criminal litigator. Mr. Justice Shabbits, who had worked with Jim at Heath Hutchinson, described his first encounter with Jim Taylor in 1970, in the provincial court in Port Alberni: "It was immediately obvious to me in the competitive forum of the provincial court that Jim was a lawyer that one should watch guardedly at all times. Jim was well-prepared and confident and persuasive, and he was handsome and engaging. But it was his voice that most impressed—it resonated, it was melodic. It struck me then that Jim would have been well-suited for a career in television, although I soon discovered that he was, without doubt, first and foremost a trial lawyer of sound judgment and remarkable effectiveness."

In 1983, Jim joined Crown counsel in Nanaimo where he prosecuted high-profile cases in all the courts until 1991. He was appointed Queen's Counsel in 1987.

Regional Crown Counsel Terry Schultes juniored Jim Taylor on a murder trial in 1991. It proved to be one of the formative experiences of Terry's professional life. Jim's unique blend of tenacious advocacy and consummate courtesy left a lasting impression on Terry, as it did on a generation of other juniors who try to live up to Jim's example in their work.

In 1991, Jim joined Saunders Fabris & Murphy in Nanaimo as associate counsel until 1994, at which time he became a sole practitioner in Lantzville.

On November 20, 1995, Jim was sworn in as a justice of the Supreme Court of British Columbia, fulfilling a lifelong dream. He was a resident judge in Vancouver until he was transferred to Nanaimo in 2002. In February 1995, Jim was appointed a deputy judge of the Supreme Court of the Yukon and, in April 1995, he was appointed a deputy judge of the Nunavut Court of Justice.

continued...

The Honourable Mr. Justice James D. Taylor *continued...*

As a judge, Mr. Justice Taylor excelled. He was a good listener, and possessed an inquiring and penetrating intellect. His years as a litigator in all of the courts in the fields of family law, criminal law and civil litigation gave him valuable experience. He demonstrated common sense and a good knowledge of the law, and was in control of his courtroom.

Deputy Regional Crown Counsel Glenn Kelt, QC, said Justice Taylor "was always a gentleman, always a pleasure to work with." And as a prosecutor, Jim was a "tough guy," and "when you appeared in front of him as a judge you knew you were getting a fair hearing."

Chief Justice Brenner convened a special sitting of the Supreme Court of British Columbia in memory of Mr. Justice Taylor, and said, "Mr. Justice Taylor ranked among the very best as a judge and lawyer. He was a gentle man with a great abundance of wit and charm that was nonetheless coupled with a deep understanding of the human condition. He was a highly respected jurist."

Crown Counsel Scott Van Alstine, QC, knew Jim both personally and professionally. At the special sitting, Scott said, "As a lawyer, he was formidable. He was skilled in the courtroom, and it was like playing hockey against the legendary Gordie Howe—you always remembered to keep your head up and watch for the elbows."

Bert King, QC, remembers this about Jim, "I never heard him brag about anything other than his wife Sabine's art and his family... And I don't have many attributes but he taught me to cross-examine. He was something to behold... he could cross-examine anyone and leave it all to innuendo, and you didn't stand a chance most of the time. ...As a judge, I was before him on appeals... You never looked into the courtroom and said, "Oh, it's him." It was always, "Thank God, it's him."

During his career, Jim was a governor of the Law Foundation (1985–1991), a member of the Society for the Reform of the Criminal Law, one of the original directors of the last board of the Legal Aid Society, a board member of the Provincial Judicial Advisory Committee and the past president of the Nanaimo City Bar Association. He was instrumental in creating a young lawyers group in Nanaimo, which is now a subsection of the Canadian Bar Association. The young lawyers group is thriving and gives its members the opportunity to meet regularly with judges and discuss issues of concern and seek guidance from those who appear in front of them.

Jim's was a life well-lived and he is dearly missed. Nanaimo lawyers Jim Murphy and Kris Klear have arranged a bursary-scholarship in Jim's honour with the foundation at the Malaspina University College. Those who wish to contribute to the Jim Taylor Fund may contact the Malaspina University College Foundation at 114-59 Wharf Street, Nanaimo, B.C. V9R 2X3.

Robert W. Gourlay, QC

Robert Gourlay died on June 16, 2005, after battling depression mightily for many years. Rob was a well-respected lawyer, Crown counsel, a past president of the Canadian Bar Association (B.C. Branch), a life bencher, Queen's Counsel, a valued friend and colleague, and a loving father and husband.

Although born in Montreal in 1948, Rob grew up in Vancouver, attending Point Grey Secondary. His father was chief of surgery for many years at St. Paul's Hospital, and though he considered a career in medicine, Rob ultimately decided to pursue the legal profession. After earning an undergraduate degree at the University of British Columbia, he attended law school at the University of Toronto, and there met his love of his life, Kathleen Keating, marrying in 1976. They returned to Vancouver to practise law and together had two sons with whom Rob shared a love of baseball, politics and Bob Dylan.

Rob began his legal career as a Crown counsel, from 1975–80, following articles with the firm known then as Fraser Hyndman. He then started up a private practice with Peter Spencer, a close friend since childhood, in a partnership that spanned 25 years. They restricted their new firm to litigation, including criminal law and insolvency. It was a concept that was relatively new at the time in B.C., but it worked well and the practice thrived. Over the years the firm employed or associated itself with numerous talented lawyers. In 1998, Gourlay Spencer moved to its present location on Hastings Street in downtown Vancouver, and a year later they were joined in partnership by Alastair Wade.

Setting high standards both in his advocacy and his ethics, Rob always treated opposing counsel and their clients with respect and courtesy. Early in his career, he gained a reputation for his professionalism, integrity and good work. Every file Rob handled was marked by a sense of balance and reason, and he used his skills effectively, whether he was carrying out ad hoc prosecutions, doing defence work or representing clients in civil claims.

Frequently acting on behalf of the Ministry of Attorney General, Rob made an outstanding contribution. He was an ad hoc prosecutor for the Crown and was appointed Special Prosecutor on behalf of the Ministry of Attorney General for many high-profile matters. As ad hoc prosecutor, Rob conducted the Crown's case against the six Vancouver police officers who eventually plead guilty to assaulting three people in Stanley Park in November 2003.

Rob was a friend to many members in the Criminal Appeals and Special Prosecutions arm of CJB, and his collegiality and wise counsel are sorely missed by the branch and the legal profession as a whole.

A respected trial lawyer, Rob's devotion to his profession was profound, as reflected in his extensive service commitments over the years. He was president of the B.C. Branch of the Canadian Bar Association from 1992 to 1993, served as a two-term member on the CBA National Executive and was a life bencher, having been elected to the B.C. Law Society from 1996 to 2004. He was appointed Queen's Counsel in 1996. He was more recently a member and enthusiastic supporter of Lawyers' Rights Watch Canada and was at work, at the time of his death, on a project aimed at the indictment of Robert Mugabe of Zimbabwe.

Rob shared a love of horses with Kathleen and joined her in riding competitively in the Western equestrian sport of reining. While their children were small, along with Peter and Daphne Spencer, Rob and Kathleen purchased 160 acres in the hills near Merritt and named it Black Pine Ranch. Rob took great pleasure and pride in the ranch and all it provided—the quiet, the birds, the constantly changing colours of the wildflowers, and the wildlife. It is hardly surprising that his practice included ranch and equine law.

Rob struggled with depression on and off for many years but had always gotten through it with the support of his family. He maintained an active and varied professional and social

continued...

Robert W. Gourlay, QC
continued...

life throughout. While these periodic bouts of depression were a troubling and persistent fact, they did not eclipse the real happiness that Rob enjoyed the vast majority of his life. Though he died by his own hand in a moment of intense distress, his was by no means as sad a life as this tragic end would suggest. Even just prior to his death, Rob derived great joy from time spent on the ranch with the horses, communicating by phone and e-mail with his sons, and especially just being anywhere with Kathleen. We are learning more about depression that can overtake people already under significant mental stress, especially when sleep has remained elusive for extended periods of time. Rob appears to have fallen victim to the largely unexplored dangers of this precarious state, even despite family support, medication and professional assistance.

A year following Rob's death, the Robert Gourlay Memorial Dinner was held on June 27, 2006, at the Law Courts Inn in Vancouver, to raise funds for UBC research about the common and debilitating illness of depression. Friends and colleagues came together for an evening of fine food and music, and to learn first-hand about the positive progress of work being done in this field.

Robert Gourlay is missed deeply by all who were honoured to know him. Hundreds of his friends and colleagues paid tribute to his life at a special sitting of the court held on June 24, 2005, in Vancouver.

Remembering Allan Roth Adlem

A year following the unexpected death of Fraser Region's much beloved Administrative Crown Counsel Al Adlem, friends, family and colleagues began organizing a corporate team for the Vancouver Sun Run in honour of his memory.

Al had an exuberant zest for life and having fun, and those who worked with Al will not forget how he could transform an office into a place where people enjoyed being at work and relied on one another for support, friendship and good humour.

An avid walker, Al would go for a walk during nearly every lunch hour, rain or shine. Because of this, and for the other ways Al inspired those who knew him, the corporate team was fostered and named "Remembering Al."

The Sun Run is a popular community event with proceeds going to charity. Registration of corporate teams includes t-shirts with the team's name. The 36 teammates of "Remembering Al" participated in the run on April 23, 2006.

In a pre-run photo of "Remembering Al," the following teammates are shown: (front row, from left) Lynett Jung, Thomas McAskill, Michelle Bennett, Todd Adlem, Fran MacLean, Lena Dal Santo, Jennifer Lopes, Carol Martin, Kyle Martin, Sonia Adlem, Kevin Adlem, Betty Brophy, Geoff Barager, John Ahern and Satinder Sidhu; (back row) Jean Lytwyn, Wayne Skolrood, Elizabete Costa, Winston Sayson, Peder Gulbransen, Sharlein Smith and Joe Bernardo.

Team members not in the photo: Kathy Ford, Geneva Haughton, Karen Haughton, Randy Hayre, Lothar Kiner, Ruth Lipton, Malcolm Lopes, Elianne MacKenzie, Lauren MacKenzie, Annie Martin, Kathleen Muir, Cathy Sloan, Johnnie Walker and Terri Wallace.

Reports to Crown Counsel Received from Police

During fiscal 2005/06, the Criminal Justice Branch received 76,771 Reports to Crown Counsel (RCCs) for review. One RCC will accuse one or more persons in relation to one or more offences.

In 2005 – 06, there was an average of 1.07 accused persons per RCC submitted to the branch. Adults comprised 90.8 per cent of the total accused persons, while youth made up 9.2 per cent of the total.

The charging decisions of the Criminal Justice Branch relate to *Criminal Code* offences and offences created by provincial legislation where the police refer the matter to Crown counsel rather than issuing a ticket. Offences under other federal legislation, such as the *Controlled Drugs and Substances Act*, are prosecuted by the federal government through the Department of Justice and are not included.

The branch operations statistical information in this report is based on data collected from the Justice Information System (JUSTIN).

Total RCCs and Accused Received for Charge Assessment

		2002/03	2003/04	2004/05	2005/06
RCCs received		76,874	73,292	74,294	76,771
# Accused per RCC		1.08	1.08	1.07	1.07
Accused	**Adults + Youth**	83,230	78,821	79,500	81,965
	Adults	71,345	70,198	71,713	74,405
	% Adults	85.7%	89.1%	90.2%	90.8%
	Youth	11,885	8,623	7,787	7,560
	%Youth	14.3%	10.9%	9.8%	9.2%

Figure 1 (Data Source: JUSTIN, April 14, 2006)

Charge Assessment Decisions

If the criteria for approving a charge are met (there is a substantial likelihood of conviction and a prosecution is in the public interest), the Crown may then:

- approve charges;
- refer the matter to an alternative program (e.g. alternative measures) rather than institute formal court proceedings; or
- issue a formal warning rather than approve a charge (e.g. a caution letter).

If there is insufficient evidence to support charges or a prosecution is not in the public interest, Crown counsel will:

- refer the matter to the police for further investigation; or
- not approve charges (i.e. a no-charge decision).

It should be noted that at the time the Figure 2 diagram was created, some charge assessment decisions were pending because Crown counsel were in the process of making or recording the decision or had deferred the decision for some other reason.

CHARGE ASSESSMENT RESULTS
Number of People Suggested by Investigators for Charges

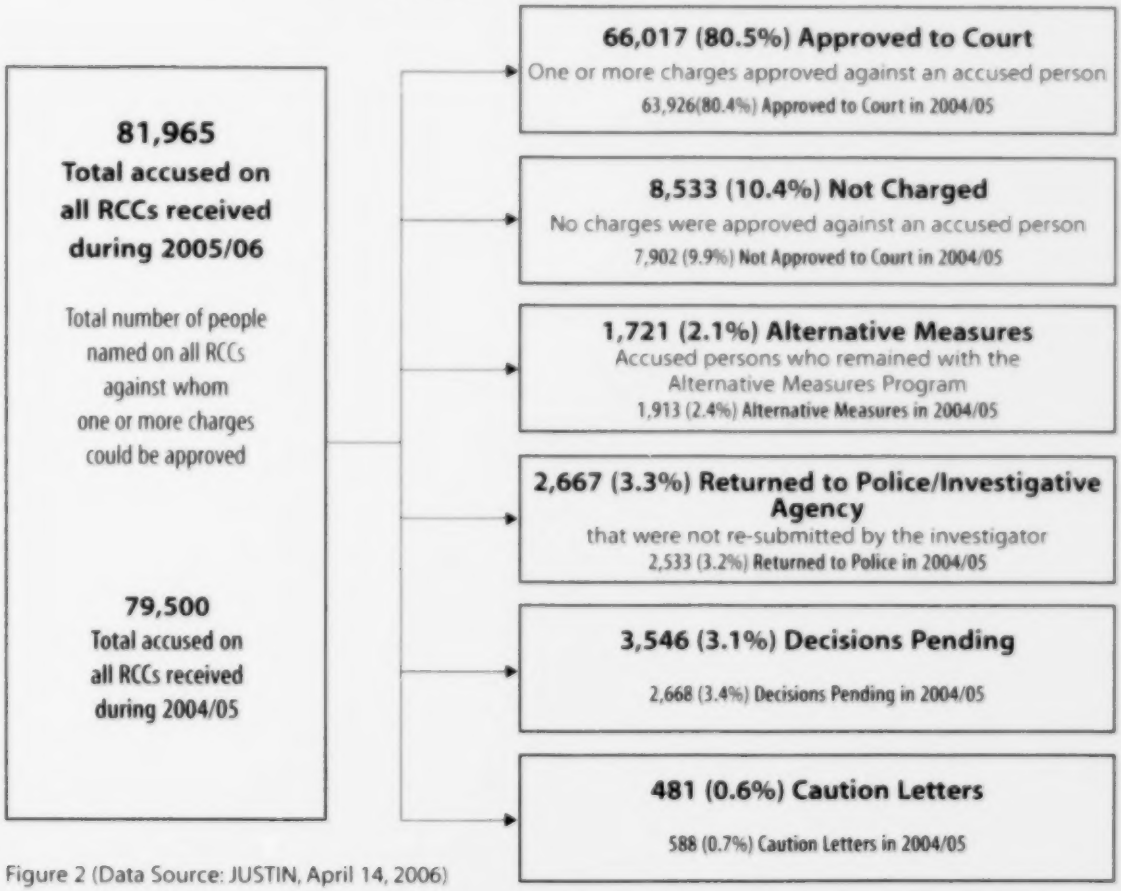

81,965
Total accused on all RCCs received during 2005/06
Total number of people named on all RCCs against whom one or more charges could be approved
79,500
Total accused on all RCCs received during 2004/05
66,017 (80.5%) Approved to Court
One or more charges approved against an accused person
63,926(80.4%) Approved to Court in 2004/05
8,533 (10.4%) Not Charged
No charges were approved against an accused person
7,902 (9.9%) Not Approved to Court in 2004/05
1,721 (2.1%) Alternative Measures
Accused persons who remained with the Alternative Measures Program
1,913 (2.4%) Alternative Measures in 2004/05
2,667 (3.3%) Returned to Police/Investigative Agency
that were not re-submitted by the investigator
2,533 (3.2%) Returned to Police in 2004/05
3,546 (3.1%) Decisions Pending
2,668 (3.4%) Decisions Pending in 2004/05
481 (0.6%) Caution Letters
588 (0.7%) Caution Letters in 2004/05

Figure 2 (Data Source: JUSTIN, April 14, 2006)

Alternative Measures Referrals

During the year 2005 – 06, Crown counsel referred 2,218 accused persons (2.7 per cent of 81,965, which is the total number of accused persons named in all RCCs) for suitability assessments to alternative measures programs.

Of those referrals, approximately 2,058 (83 per cent) had their matters resolved through referral to alternative measures programs.

As a comparison, during 2004 – 05 fiscal year in which there were 79,500 RCCs, Crown counsel referred 3,446 (4.3 per cent) accused persons for suitability assessments to alternative measures programs, and 71 per cent of those referrals were successfully concluded.

Charge Assessment Results Data

For about a year, the numbers indicated in Figure 2 (on the previous page) will change somewhat during the normal course of the branch's business. This is because there are pending charge assessment decisions at the time of reporting as well as some initial charge assessment decisions that are revisited when:

- the police or another investigating agency submits a supplemental report to Crown counsel with the results of further investigation;
- an accused person declines, is unsuitable for or does not comply with alternative measures and the matter is returned to Crown counsel; or
- the defence counsel or the accused person requests the consideration of alternative measures after a charge is laid.

Accordingly, the statistics for 2005 – 06 cannot be considered final until the end of 2006 – 07 fiscal year. However, it is anticipated that any changes will not be significant enough to modify the relative percentages in each charge assessment decision result category.

CJB Statistical Information Conclusion

The use of JUSTIN provides the collection and analyses of data entered from every Crown counsel office and court location in the province concerning prosecutions in British Columbia, except the Court of Appeal.

New and more efficient methods of extracting and analyzing the data are continually being developed to produce more reliable information that will assist the Criminal Justice Branch and its justice system partners in providing the effective administration of the criminal justice system in the Province of British Columbia.

Significant Cases

The following is an overview of a handful of the significant and high-profile cases prosecuted by the Criminal Justice Branch during 2005 – 06.

R v. Donald Bakker

On December 2, 2003, the Vancouver Police Department received a 911 call from a man who said a naked woman was crying and screaming out from a bush area in Crab Beach Park on Vancouver's waterfront near the foot of Main Street. Police attended and found a man and woman leaving the bush area. The woman was crying and distraught, and directed investigators to a video camera and bag that Donald Bakker was carrying.

Bakker was arrested and charged with sexual assault. During the course of the investigation the police seized the videotape in the camera and discovered two hidden videotapes in the trunk of the car.

The tapes were disturbing. They depicted Bakker engaged in acts of sexual violence and degradation against a number of women working as prostitutes in Vancouver's downtown eastside. In addition to the scenes depicting adult women, the videotapes also contained images of Bakker sexually engaged with children who appeared to be between five and 10 years of age.

The police commenced an extensive investigation that took them to Svay Pak in Cambodia. With the assistance of the International Justice Mission, they were successful in locating a number of child victims related to their case.

Bakker was eventually charged with several counts pursuant to the provisions of the "child sex tourism" amendments to the *Criminal Code*, the first time this provision was proceeded on in British Columbia, and likely the first time in Canada. The Crown elected to proceed on two separate indictments.

On June 2, 2005, following the start of his trial involving the adult women, Donald Bakker pleaded guilty to one count of sexual assault and two counts of sexual assault causing bodily harm involving sex trade workers in Vancouver's downtown eastside. In addition, Bakker pleaded guilty to seven counts of sexual interference with children while abroad in Cambodia. The court accepted the submissions of Crown counsel and sentenced Bakker to what amounted to a 10-year jail term.

R. v. Derek Post

In the early morning hours of December 7, 2002, Breann Voth was attacked and murdered while on her way to work. Her body was found on the banks of the Coquitlam River. Approximately six months later, Derek Post was charged with the first-degree murder of Breann Voth.

Neighbours in the vicinity of the murder were heavily criticized when the police investigation revealed that people in 15 homes heard Voth screaming for help as the perpetrator dragged her several blocks to the river—they did not call the police or do anything to help.

The trial commenced on September 20, 2005, before a Supreme Court judge sitting alone by consent of Crown counsel. The Crown's case relied on circumstantial evidence. A DNA profile was developed from semen found on Voth's body and an expert in the area of forensic pathology concluded that Voth was the victim of a brutal sexual assault and drowning.

A forensic DNA expert testified she was able to compare DNA found in the semen located on Voth's body and a blood sample provided by Post pursuant to warrant. The likelihood that the DNA located on Voth's body was from someone other than Post was one in 44 trillion.

continued...

Significant cases, *R v. Derek Post continued...*

On October 13, 2005, the judge found Derek Post guilty of first-degree murder. Post was sentenced to life imprisonment without eligibility of parole for 25 years.

R. v. Darlene Young

On March 29, 2002, near Falkland, Darlene Young shot and killed her estranged husband, and then shot and injured his friend. The three of them were in the kitchen of the couple's home at the time. The incident occurred during a period in which Young was living separate and apart from her husband. She attended the home armed with a loaded shotgun to await her husband's arrival. The shootings occurred shortly after both men arrived.

Young was found guilty of the second-degree murder of her husband and the attempted murder of his friend. She was sentenced to life imprisonment with no eligibility for parole for 15 years and nine years of imprisonment for the attempted murder.

Young sought leave to appeal and was denied bail pending the hearing of the appeal. During the period she was awaiting her appeal, police uncovered evidentiary concerns with respect to the trial and raised those concerns with the Criminal Justice Branch. Acting in accordance with the role of Crown counsel, and in the interests of fairness, the Crown consented to the conviction appeal and Young's release on bail pending a new trial. The British Columbia Court of Appeal commended the police and Crown counsel for their conduct in the circumstances and ordered a new trial.

Young was convicted a second time by a jury for the second-degree murder of her husband and attempted murder of his friend. On January 17, 2006, the court sentenced Darlene Young to life imprisonment with no eligibility for parole for 15 years, and nine years of concurrent imprisonment for the attempted murder conviction.

R. v. Thomas Alexander Turcotte

On May 4, 2000, Thomas Turcotte walked into the Vanderhoof RCMP detachment and told police they should go to a nearby ranch where he lived and did odd jobs—however, he refused to say why. Later police found the bodies of three ranch hands whose heads were bludgeoned by someone with an axe. Two victims were found dead at the scene. One victim died a short time later.

At trial, Turcotte testified he was not responsible for the murders and came upon the scene after the incident. He explained his inability to speak to the police as being in shock. His refusal to explain to the police why they should attend the ranch was cited by the Crown as evidence of a guilty mind.

A jury convicted Turcotte of three counts of second-degree murder and on November 9, 2001, the court sentenced him to life imprisonment without eligibility for parole for 15 years.

Turcotte successfully appealed his conviction to the Supreme Court of Canada, who on September 30, 2005, upheld an earlier ruling of the British Columbia Court of Appeal, which found that the right to remain silent entitles Canadians to refuse to answer police questions without it being used against them at trial.

The new trial for Thomas Turcotte commenced before a judge alone on March 29, 2006. Once again he was found guilty of three counts of second-degree murder and was sentenced to life imprisonment without eligibility for parole for 18 years.

Criminal Justice Branch Financial Summary

	Fiscal 01/02	Fiscal 02/03	Fiscal 03/04	Fiscal 04/05	Fiscal 05/06
Budget	77,913,000	79,000,000	77,839,000	77,952,000	82,479,000
Expenditures	77,400,000	75,540,000	77,146,000	76,896,000	81,835,878
Surplus (Deficit)	513,000	3,460,000	693,000	1,056,000	643,122
FTE Budget	761	725	735	719	737
FTE Usage	780	711	713	702	724
Surplus (Deficit)	-19	14	23	17	13

Notes:

1. Expenditure amounts are rounded to the nearest thousand.

2. Budget, FTE, and expenditure amounts do not include certain major prosecutions that are now before the courts.

3. The fiscal 2001/02 Criminal Justice Branch budget includes a $278,000 post-Estimates increase adjustment.

4. The fiscal 2005/06 Criminal Justice Branch budget includes a $680,000 post-Estimates increase amount due to a budget transfer.

BUSINESS PLAN ACHIEVEMENTS

Summary of Performance and Achievements

A Note about Performance Measures

The Criminal Justice Branch's new Management Information Planning Committee began work in 2005 – 06 on future performance measures that will accurately reflect the prosecution service and contribute to our planning. The Management Information Planning Committee was formed under the CJB Business Plan 2005/06 – 2007/08 and is broadly representative of the branch geographically and functionally.

See Appendix C for the Criminal Justice Branch Business Plan 2005/06 – 2007/08.

Goal 1: A Criminal Justice Branch whose prosecutions are fair, appropriate and timely

Objective 1.1 The Criminal Justice Branch will conduct criminal prosecutions and appeals over the next three years in a timely manner.	**Achievement** We participated in the first phase of the ministry's performance measures project, the Public Accountability Framework Project.
Objective 1.2 The Criminal Justice Branch will conduct appropriate and fair criminal prosecutions and appeals over the next three years.	**Achievement** We offered training in the subject of wrongful convictions to raise awareness and prevent miscarriages of justice.

Goal 2: A Criminal Justice Branch that provides strong support for the prosecution function

Objective 2.1 The Criminal Justice Branch will provide practical assistance to lawyers and administrative staff throughout the branch.	**Achievements** The Crown counsel policy review was completed. The extensively revised CC Policy Manual was posted on the CJB intranet site. Changes in law were communicated to branch members. Emerging and specialized law advice was provided to branch members. Technology training and tools were provided throughout the branch for general use, electronic disclosure and the Litigation Management System. An agreement between CJB and the Court Services Branch was reached regarding the responsibilities for use of equipment in courtrooms.
Objective 2.2 The Criminal Justice Branch will examine the use of paralegals to support the prosecution function and enhance meaningful career paths for administrative personnel.	**Achievement** The Human Resources Planning Committee conducted research on the possible use of paralegals in the Criminal Justice Branch, and drafted a job description and submitted it to the BC Public Service Agency for classification. The committee began developing a plan for introducing the position into the branch.

Goal 3: A Criminal Justice Branch that is a learning organization

Objective 3.1 The Criminal Justice Branch will provide training and information-sharing opportunities for all branch members over the next three years.	**Achievements** A guide for managers orienting new employees was developed and posted on the CJB intranet site. An orientation manual for new employees was completed for distribution in the 2006/07 fiscal year. The annual Spring Crown Counsel Conference was held in May 2005 with many training opportunities for prosecutors. A joint CJB/Legal Services Branch first annual Leadership Conference was held in November 2005. Administrative support staff conferences were held in Regions 1 (including Headquarters), 2 and 4. The annual Office Managers Conference was held in March 2006. Information about training opportunities and conferences was provided to employees.
Objective 3.2 The Criminal Justice Branch will increase leadership and management skills in the organization over the next three years.	**Achievements** The new Leadership Planning Committee was formed. The first annual Leadership Conference was held in November 2005. Various leadership training opportunities were provided to employees throughout the year.

Goal 4: A Criminal Justice Branch that is a safe, secure, healthy and productive place to work

Objective 4.1 The Criminal Justice Branch will provide as physically secure a workplace for all branch members as possible.	**Achievements** Several threat and risk assessment reviews were conducted with many recommendations implemented and work continuing on others. Specific safety concerns were addressed in various locations, including Vancouver, Abbotsford and Prince George. We actively participated on the national Heads of Prosecution security and intimidation committees.

Goal 4: A Criminal Justice Branch that is a safe, secure, healthy and productive place to work (continued)

Objective 4.2 The Criminal Justice Branch will promote a healthy workplace for its members.	**Achievements** We participated in the ministry's occupational health and safety committees throughout the province. Our safety committee met regularly throughout the year.
Objective 4.3 The Criminal Justice Branch will continue to strive to allocate its workload resources fairly across all regions and departments over the next three years.	**Achievement** The new Workload Planning Committee was formed and began researching workload allocation throughout the branch.
Objective 4.4 The Criminal Justice Branch will recognize the achievements of its members.	**Achievement** The accomplishments of individual employees were recognized at the May 2005 Spring Crown Counsel Conference, the November 2005 Leadership Conference and other events throughout the year.
Objective 4.5 The Criminal Justice Branch will improve the security of its electronic information.	**Achievement** Implementation of the security process of two-factor authentication continued throughout the year across the branch with full implementation to be completed during 06/07 fiscal year.
Objective 4.6 The Criminal Justice Branch will provide an annual report, an internal newsletter and a daily news summary to branch members, and will continue enhancing its intranet site.	**Achievements** The Criminal Justice Branch 2004 – 05 Annual Report was published. The branch intranet site improvements continued this fiscal year, including preparations to move to an Enterprise Content Management System model.
Objective 4.7 The Criminal Justice Branch will produce a new three-year business plan in 2005 with a new planning committee structure that balances planning continuity and new and innovative ideas.	**Achievements** The new three-year Criminal Justice Branch Business Plan 2005/06 – 2007/08 was produced. A new business planning committee structure was created, including a planning steering committee. Previous planning committee members were recognized for their contributions at the November 2005 Leadership Conference. The planning section of the CJB intranet site was redesigned with planning documents and updates posted on an ongoing basis.
Objective 4.8 The Criminal Justice Branch will contribute annually to the ministry service plan, the ministry service plan report and the government annual report.	**Achievement** We advised on and contributed to the ministry's service plan and its service plan annual report, and the provincial government annual report.

Goal 4: A Criminal Justice Branch that is a safe, secure, healthy and productive place to work (continued)

Objective 4.9 The Criminal Justice Branch will participate over the next three years in development of the ministry's Public Accountability Framework.	**Achievement** We participated in the first phase of the ministry's Performance Measures Project.
Objective 4.11 The Criminal Justice Branch will revise its business continuity plan over the next three years.	**Achievement** The Local Incident and Response Guide was produced and distributed to all regions.

Goal 5: A Criminal Justice Branch that is a leader in law reform and innovative justice processes

Objective 5.1 The Criminal Justice Branch will promote law reform over the next three years through internal activities, and through leadership and active membership in provincial, national and international legal organizations.	**Achievements** We participated in all national Heads of Prosecution committees. We participated in the International Association of Prosecutors. The Air India prosecution team received a special award from the association in August 2005. We provided policy and legal advice to senior federal/provincial/territorial coordinating officials, deputy ministers and justice ministers.
Objective 5.2 The Criminal Justice Branch will develop innovations over the next three years in the use of technology, new organizational structure and best practices.	**Achievements** For the Air India and Pickton trials, major victim services websites were built and maintained. The new Litigation Management System was developed and piloting started. The creation of the specialized Organized Crime Unit of senior prosecutors working in partnership with police. Cases were referred to the Drug Treatment Court in Vancouver. The JUSTIN/PRIME electronic interface between the Crown and other justice system participants was extended to all municipal police departments in British Columbia. Several electronic data security projects were initiated.

Goal 6: A Criminal Justice Branch that provides consistently high-quality and effective criminal law legal advice to government

Objective 6.1	Achievement
The Criminal Justice Branch will provide high-quality and effective legal advice on criminal law, including constitutional law, to the Deputy Attorney General, the Attorney General, and other government departments over the next three years.	Ongoing.

Goal 7: A Criminal Justice Branch that contributes to the legal education of the public

Objective 7.1	Achievements
The Criminal Justice Branch will work on its own and with justice partners such as the Law Courts Education Society (LCES) over the next three years to educate the public about the justice system and the branch's mandate and activities.	The CJB and the LCES entered into an agreement to create justice education opportunities across the province. Individual branch members offered their services throughout the province to bring justice education to British Columbians. (See Appendix A.)

Objective 7.2	Achievement
The Criminal Justice Branch will provide accurate, timely information on prosecutions to the media.	CJB Communications counsel and Crown counsel provided timely, accurate information to the media about CJB prosecutions throughout the year.

APPENDIX A

Public Education & Community Outreach

Criminal Justice Branch Crown counsel and prosecution support staff contribute to public education and community outreach in various capacities. A substantial number of activities are performed over and above work responsibilities and on personal time. Note: the following alphabetical list indicates names of Crown counsel unless noted otherwise.

Alisia Adams: Volunteers with the Law Courts Education Society Community Outreach Program. Provided training to Burnaby RCMP on impaired driving issues.

Nancy Adams: Sits on the North Shore Crystal Methamphetamine Task Force.

Mary T. Ainslie: Awarded UBC "Faculty of Law's Adjunct Professor Outstanding Service Award" in 2005; teaches a seminar course called "Preventing Wrongful Convictions: Topics in Advanced Evidence" and co-coached the UBC moot team for the Gale Cup Criminal Law National Moot Court Competition. Is working with Greg Fitch and many others on a portion of the Canadian Legal Education evidence book Greg is preparing.

Karima Andani: Took part in the University of British Columbia Faculty of Law Trial Advocacy program. For the last six years, has organized the Trial Advocacy Moot competition, known as the "Peter Burns Moot." For a number of years, Karima Andani (with Richard Cairns) has coached the team that wins the Peter Burns Moot for the Western Canada Competition, which includes competitors from six law schools in western Canada. For the past two years, the teams Karima (with Richard Cairns) coached advanced to the national level and competed in the Sopinka Cup competition in Ottawa, hosted by members of the Supreme Court of Canada. In March 2006, students coached by Karima and Richard achieved second place at the Sopinka Cup competition. One student won the best individual advocate award plus the best examination-in-chief award.

Brian Anderson (Manager, Finance & Administration): Met with Chinese prosecution delegates.

Business Plan Goal 7

Objective 7.1

Jill Appleton (Legal Secretary): Organization and preparation for the Chinese prosecution delegates.

Lori Ashton: Vounteers with the Law Courts Education Society Community Outreach Program.

Anne Baines: Spoke to a number of classes for the Law Courts Education Society. Participated in Law Day, involving several lunch hour meetings and the afternoon of Law Day.

Gordon Baines: Lectures and meets with high school students touring the courthouse. Resource person for a high school law class in terms of answering questions on criminal practice, procedures and substantive law. Participates in job shadowing programs for college students. Travelled to Ahousat and met with the Community Consultative Group, chiefs and counsel members on restorative justice programs and criminal issues in the community. Member of the City of Port Alberni Youth Justice Committee. Sits on the Judicial Liaison Committee of the Crystal Meth Task Force. Meets regularly with members of the RCMP.

Andrew Baldwin: Taught adult probation officers at the Justice Institute.

Paul Barclay: Volunteers with the Law Courts Education Society Community Outreach Program. Appointed Chair of the Canadian Bar Association's Legislation and Law Reform Committee.

Scott Bell: Guest lecturer at the Professional Legal Training Course (for articling students) and a panel member at the CLE Program: Criminal Law and the Charter 2005. Co-chaired the Canadian Legal Education Program Criminal Practice 2005.

Ron Beram: Guest-lecturer at College of New Caledonia criminology course. Guest-lecturer at College Heights High School. Meets with conservation officer service to train officers each year. Attends as training faculty for federal Department of Environment and Department of Fisheries and Oceans expert witness course over the past five years.

Pam Bhatti: Volunteers with the West Coast Legal Education Action Fund.

Christine Birnie: Member of Bulkley Valley and Lakes District Steering Committee to develop a "Domestic Violence Treatment Court" model. Member of/attends regular meetings of Community Committee for Women's Safety in Smithers. Met with police non-commissioned officers on an informal basis to determine how things are going. Meet with RCMP on a formal basis once or twice a year to discuss matters of interest to both Crown and police. Annually attend or hold formal seminars for the police on legal issues (usually search related), as well as speak to students about Crown counsel work.

Public Education & Community Outreach *continued*

Andrew Blunt: Provided officer training days (mock trials) for the Langley RCMP recruits.

Ursula Botz: director with the Vancouver Foundation as the Vancouver Bar Association's nominee to this organization. Chair of the Children, Youth and Families Committee; and acts as board liaison to the Youth Philanthropy Council. Inns of Court Program (ongoing); volunteer program coordinator for this program, which brings together judges and senior litigators with junior litigators for informal discussions. UBC Advocacy Course: Appellate Practice – Appellate demo for UBC students before a panel of the Court of Appeal. Canadian Bar Association: spent two weeks in China as a member of the Canadian delegation participating in a joint criminal law reform and advocacy project between the CBA and the All China Lawyers Association; also assisted on this project by helping to plan and organize events held in Vancouver for a senior delegation from the All China Lawyers Association as part of a Canadian study tour. Assisted the Law Courts Education Society by giving a talk to participants of SFU's Interpretation and Translation Program.

Declan Brennan: Met with police non-commissioned officers on an informal basis to determine how things are going. Meet with RCMP on a formal basis once or twice a year to discuss matters of interest to both Crown and police. Annually attend or hold formal seminars for the police on legal issues (usually search related), as well as speak to students about Crown counsel work.

Lawrence Brown (Sr. Systems Analyst): Met with the Chinese prosecution delegates.

Richard Cairns, QC: Took part in the University of British Columbia Faculty of Law Trial Advocacy program. For a number of years, Richard Cairns (with Karima Andani) has coached the team that wins the Peter Burns Moot for the Western Canada Competition, which includes competitors from six law schools in western Canada. For the past two years, the teams that Richard (with Karima Andani) coached advanced to the national level and competed in the Sopinka Cup competition in Ottawa, hosted by members of the Supreme Court of Canada. In March 2006, students coached by Richard and Karima achieved second place at the Sopinka Cup competition. One student won the best individual advocate award plus the best examination-in-chief award. Richard also travelled with students to the Western Canada Competition in Winnipeg, and to the Sopinka Cup competition in Ottawa.

John Caldwell: Lead a series of morning training sessions about investigating impaired driving cases with each of Port Moody Police Department's four watches. Hosted high school student groups at Courtwatch Sessions with the Law Courts Education Society program.

Elizabeth Campbell: Wrote a paper with Greg Fitch for the National Criminal Law Conference. Volunteers with the Law Courts Education Society Community Outreach Program.

John Carpenter: Engaged in a candid productive exchange of ideas on legal issues arising out of drinking-driving investigations, drunk driving causing death, etc., with the police at the Oceanside RCMP Detachment.

Susan Cawley: Guest lecturer, Grade 11 law class at the Queen Margaret School.

Anne Clark: Taught at Canadian Legal Education. Wrote a paper on charge approval and alternative measures. Taught at Professional Legal Training Course for articling students. Volunteers with the Law Courts Education Society Community Outreach Program. Participated as an actor in a play entitled "Counsellor-At-Law" at the Stanley Industrial Alliance Stage with proceeds donated to the Downtown Eastside Women's Residence and the Alzheimer's Society.

Kerr Clark: Participated as a band member in the Battle of the Bar Bands, which raised money for the Lawyer's Assistance Program.

Victoria Colvin: Provided training on the *Youth Criminal Justice Act* and spousal issues to North Shore domestic violence volunteers.

Gordon Comer: Spoke to a group from SFU about the role of Crown in the Criminal Justice system at the Law Courts Education Society.

Stephen Cooke: Elected member of council, Canadian Bar Association (BC Branch).

Bruce Cookson: Participated as a band member in the Battle of the Bar Bands, which raised money for the Lawyer's Assistance Program.

Jeremy Crowhurst: Provided training to the North Vancouver RCMP and Squamish RCMP on a number of issues related to criminal prosecutions. Participated as a band member in the Battle of the Bar Bands, which raised money for the Lawyer's Assistance Program.

Jim Cryder: Volunteers with the Law Courts Education Society Community Outreach Program.

APPENDIX A

Sandy Cunningham, QC: Volunteers considerable time for the development and teaching of advocacy courses to CJB Crown and the Department of Justice, the Yukon Branch of the Canadian Bar Association and Continuing Legal Education. Co-chair of the CLE's three-day Advocacy Workshop, held every July. Also involved in training sexual assault nurse examiners on how to give evidence.

Iain Currie: Participated in training session to RCMP.

Roger Cutler: Assisted the Gale Cup Mooting Team at University of Victoria in preparing for its competition. Presented at a Corrections Canada Conference on high-risk offenders.

Maurizio Dattilo: Speaker at Surrey RCMP's Coaching In-Class Training for recruits.

Wendy Dawson, QC: Facilitator at wiretap course. Instructor at the Major Crime Investigation course at Pacific Regional Training Centre. Instructor at the annual training session of psychiatrists and psychologists on the dangerous offender roster. Co-hosted a Chinese delegation of prosecutors in Vancouver. Member of the Advisory Committee, Criminology Program, Kwantlen College. Supervises a criminology student on her practicum four days a week.

Richard de Boer: Presented to the Shanghai Municipal Prosecution Service. Presented to the Chinese Delegation.

Cal Deedman: Participated the Canada-Guatemala Crime Scene Investigation Project.

Joyce DeWitt-Van Oosten: Updated chapter on the Charter for the Public Legal Education Training materials (CLE). Sessional Instructor, Criminal Procedure, at the University of Victoria, Faculty of Law. Participated in the production of an instructional video on sentencing for use in judicial training. Participated as a judge in Jessup Moot practice round at the University of Victoria.

Patricia Donald, QC: Met with the Chinese prosecution delegates.

Jonas Dow: Involved in the Ridge Meadows Youth Justice and Advocacy Association in the area of restorative justice. Crown representative on the Youth Diversion Committee in Maple Ridge. On behalf of Crown, presents to high school law classes. Involved in police training seminars. Crown school liaison in Port Coquitlam area. Hosted high school student groups at Courtwatch Sessions with the Law Courts Education Society program.

Claire Ducluzeau: Lecturer for Customs training on presenting evidence, which included a practice session on direct and cross-examination. With Julian Dudley, took on a Northwest Community College criminology student assigned to shadow Crown counsel for a day.

Julian Dudley: Presented to grade 4 students regarding the role of Crown counsel and took them on a tour of the courthouse. With Claire Ducluzeau, took on a Northwest Community College criminology student assigned to shadow Crown counsel for a day.

Mitch Dufresne: On leave in Haiti, working on a number of justice related projects.

Jennifer Duncan: Updated the YCJA material in the Professional Legal Training Course training manual for articling students. Judged a Gale Moot practice. Lectured a first-year class at UBC on self-defence. Co-wrote the Canadian Legal Education Annual Review of Law and Practice chapter on criminal law with Marian K. Brown. Spoke about Canadian law in Ireland.

Ron Edwards: Volunteers with the Law Courts Education Society Community Outreach Program.

Brian Fell: For the Law Courts Education Society, made a presentation in French to the Duchess Park French immersion class, answering questions about being a lawyer, the Canadian legal system and the BC criminal justice system. With Alex Schmeisser, did a three-quarter day's presentation at the RCMP's Criminal Crash Investigation Team week-long training course; attended, answered questions, and offered input relevant to other presentations during the other days of the course. Attended youth and adult probation offices, and participated in sessions dealing with communications between offices and legal issues.

Greg Fitch, QC: Pacific Region Chair of the National Joint Committee (NJC) of Senior Criminal Justice Officials. Speaker, topics: NJC, dangerous and long term offenders and organized crime, to BC Association of Chiefs of Police. Member, Canadian Legal Education editorial board; publication: "Introducing Evidence at Trial." Faculty member, National Criminal Law Program; presenter of two papers; topics: Problems in Protecting Expectations of Privacy in the Electronic Age; Writing a Persuasive Factum) at the national program in Winnipeg. Panel participant / workshop facilitator at the National Criminal Law Program in Winnipeg.

APPENDIX A

Public Education & Community Outreach *continued*

Greg Fitch, QC *continued*: Speaker, topic: The Canadian Criminal Justice System, to Chinese delegation of prosecutors from Fujian province. Speaker, topic: The Role and Responsibility of the Prosecutor in Canada, to Chinese delegation of judges, prosecutors, and defence counsel. Speaker, topic: Collaboration in the Criminal Justice System: at NJC Interior Zone police/parole workshop. Speaker, topic: Inter-agency Manual on Dangerous and Long Term Offenders and Section 810 of the *Criminal Code*, to the Regional Management Committee of Correctional Services of Canada. Speaker, topic: Collaboration Between Criminal Justice Partners, at NJC police/parole workshop, Justice Institute, New Westminster. Guest-lecturer, topic: How to Make Oral Submissions That Don't Obstruct Justice: at UBC Faculty of Law. Contributing writer, topic: "In Praise of a Partnered Approach to Community Corrections: a Canadian Perspective" to book entitled "China Prison Society Text," published by the International Centre for Criminal Law Reform and Criminal Justice Policy.

Rod Flannigan: Provided training to the North Vancouver RCMP and Squamish RCMP on a number of issues related to criminal prosecutions.

Jay Fogel: Spoke at Benny Wong's BCIT Alcohol Analyst's course. Volunteers at the Professional Legal Trainng for the cross-examination evening exercise. Involved in police training seminars.

Laura Ford: Sessional instructor on criminal procedure for University of Victoria Law School. Presented to Chinese prosecution delegates.

Dan Fox: Provided suggestions to investigators at ICBC as to how to prepare and present their reports to Crown counsel using documents, photos, and audio/video evidence.

Pierre Gagnon: Created a two-hour auto theft awareness presentation for high school students on behalf of CJB, in conjunction with the Law Courts Society of BC.

Victor Galbraith: Attended monthly meetings between Crown, RCMP, Probation and Victim Services.

Jackie Gaudet: Attends regular multi-agency mental disorder meetings consisting of the police, crisis response, head injury, social workers, etc.

Phil George: Donates time to the Law Courts Education Society Community Outreach Program.

Navi Gill: Met with police non-commissioned officers on an informal basis to determine how things are going. Meet with RCMP on a formal basis once or twice a year to discuss matters of interest to both Crown and police. Annually attend or hold formal seminars for the police on legal issues (usually search related), as well as speak to students about Crown counsel work.

Robert W. G. Gillen, QC: Hosted and presented to Chinese prosecution delegates. Participated in the Canada-Guatemala Crime Scene Investigation Project. **On behalf of the Branch**: Signed MOU between CJB and the Law Courts Education Society of BC for participating in community outreach programs to further public legal education. Signed MOU between CJB and the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) for working on an 18-month program with ICCLR and its Chinese partners to implement and improve international standards in criminal law and justice reform in China.

Melissa Gillespie: Explains the role of Crown to school groups as a participant with Law Courts Education Program.

Kevin Gillett: Prepared a memorandum for the Canadian Payments Association regarding its recommendations for the adoption of a new cheque-clearing process involving digital cheque imaging. Assisted Eileen Watson in preparing a summary of all of the comments received nation-wide. For the Professional Legal Training Course (for articling students), Criminal Law section, guest instructor on various aspects of criminal practice.

Bruce Goddard: Participated at the National Joint Committee Workshop in Parksville.

Gregg Goodfellow: Panellist on Chief Judge's Public Forum. Panellist on Upper Fraser Valley Regional District RCMP Forum. Standing committee member of Victims of Violence Against Women. Standing committee member of Aboriginal Justice Liaison Committee. Involved in the public launch of the Upper Fraser Valley DIVERS Program to protect victims of violence. Lectures to the Downtown Business Association on combating crime in the community. Participated in community forum regarding the implementation of Bill C-2.

Chantal Goodmanson: Speaker at Surrey RCMP's Coaching In-Class Training for recruits.

APPENDIX A

Frances Gordon: Associate of the International Centre for Criminal Law Reform. Hosted two delegations from China: 1) lawyers and legal administrators; and 2) re Canada's response to domestic violence issues as well as the witness protection program. Member of the board of directors of the Canadian Institute for the Administration of Justice. Spoke on the topic of Bill C-2 at a community forum at Carnegie Centre and at public forum at Roundhouse Community Centre, both in Vancouver.

David Grabavac: Gives seminars to aboriginal students who attend the Prince George Law Courts through the Law Courts Legal Education Society training program; provides general knowledge about the role of Crown counsel and the court system. For past four years, part-time instructor in criminal law at the College of New Caledonia. Speaks to about 10 groups a year about the role of Crown counsel, such as Law 12 classes or grade sixes on a field trip. For the past three years, volunteers at the RCMP Youth Training Academy held each spring break in which he gives lectures on the role of Crown counsel and, this year, also ran two mock trials. Also for past three years, gave seminars on impaired driving and other topics to "D" Watch of the Prince George RCMP detachment.

Nicole Gregoire: Volunteers with the Law Courts Education Society Community Outreach Program. Participated as a band member in the Battle of the Bar Bands, which raised money for the Lawyer's Assistance Program.

Hugh Gwillim: Guest speaker/lecturer at the RCMP Island District Major Crime Investigators Workshop in Victoria.

Catherine Hagen: Supervised a practicum criminology student from Malaspina University College for three months.

Shannon Halyk: Provided training to the North Vancouver RCMP and Squamish RCMP on a number of issues related to criminal prosecutions.

Glenn Haraga (Technician): Met with the Chinese prosecution delegates.

Art Hargrove: Assisted with the ministry program for articling students. Participated in mock trials designed to teach by-law enforcement officers about testifying.

Debbie Harris: Gave a technology presentation covering JUSTIN to the Chinese prosecution delegates in Vancouver. Presented to the POLIS Committee on the Prime/JUSTIN interface.

Rod Hawkins: Gave a speech to members of the Elder College about the role of prosecutors and the justice system.

John Hempstead: Speaker with Rotary Club to schools and community groups on justice-related issues. Participated in community forum regarding the implementation of Bill C-2.

Mary Herron (Legal Secretary): Contributor to PowerPoint presentation for the Chinese prosecution delegates.

Jennifer Holmes: Taught VPD junior officers about giving evidence in court. Participated in judging students at moots Professional Legal Training Course for articling students.

Jim Hughes: Met with the Chinese prosecution delegates.

Samantha Hulme: Participated in the Maple Ridge Meth Task Force and the Tri Cities Meth Task Force. Coordinates Port Coquitlam Crown involvement in police training, school lectures and the Law Courts Education Society Courtwatch program. Member of the Ridge Meadows Youth and Justice Advocacy Committee. Crown liaison on the Court User's Committee (and police subcommittee). President of the New Westminster Bar Association.

Theresa Iandorio: Hosted high school student groups at Courtwatch Sessions with the Law Courts Education Society program.

Peter Insley: Met with the Chinese prosecution delegates.

William (Bill) Jackson: Treasurer for Pro Bono Law BC. Addressed a Professional Legal Training Course class for articling students about ethics in criminal law. Was re-elected as a Bencher for the County of Cariboo.

Kimberly Jansen: Ongoing guest-lecturer at University College of the Fraser Valley. Participated in a Victim Services panel to provide information on sexual assault allegations.

Nils Jensen: Met with the Chinese prosecution delegates.

APPENDIX A

Public Education & Community Outreach *continued*

Angie Johnson: Participated in training session to RCMP.

Jennifer Johnston: Presented to local high school in Quesnel. Organized and chaired a few bar meetings on behalf of Quesnel Bar Association as well as organized a FAS presentation on their behalf.

Bruce Johnstone: Presentation to the North Vancouver RCMP on investigative detention and search pursuant to arrest. Participation in a session put on by Smart & Biggar for the Entertainment Software Association on entertainment software counterfeiting.

Barb Jones (Systems Analyst): Contributed to the technological requirements for the Chinese prosecutors delegation.

Wendy Kavanagh: Lectured Grade 12 law class. Lecturer for Law Courts Education Society.

Glenn Kelt, QC: Participated in the National Joint Committee Workshop in Parksville.

Louise Kenworthy: Spoke with students at Abbotsford Senior Secondary school about the role of the prosecutor.

Shannon Keyes: Participated in community forum regarding the implementation of Bill C-2. Regularly attends meetings (as often as quarterly) of the Northern Child and Family SCAN Clinic, which medically evaluates children who are, allegedly, victims of crime and/or neglect; provides information about the court process, treatment and management of witnesses, and evidentiary issues. Meets with Court Services, Probation (youth and adult), Youth Forensic Services, Urban Aboriginal Justice and the Elizabeth Fry organizations to discuss the role of Crown counsel and legal processes. Has regular meetings with the RCMP to discuss training and file-related matters. Organizes and participates in school placement programs, which involve the placement of high school students in the Crown office for several days; explains the legal process, legal issues and the work of Crown counsel to young people who are considering the legal profession as a career.

Stan Khan (Systems Analyst): Contributed to the technological requirements for the Chinese prosecutors delegation.

David Kidd: Attends monthly meetings comprised of psychiatrists, mental health workers, social workers, police and other community groups and individuals, concerning mentally disordered offenders. Meets regularly with members of the RCMP.

Paul Kirk: Joined a panel discussion (with Judge deWalle, RCMP and defence counsel) put on every spring for the criminology class at Northwest Community College.

Greg Koturbash: Held mock trials and talks at schools. Local bar association activities. Local justice community activities—over the past five years has organized a golf tournament for lawyers, police, probation officers, sheriffs and court staff.

John Labossiere: Taught Major Crime Investigators Course in Ottawa. Guest-lectured at Investigators Course at Pacific Regional Training Centre in Chilliwack. Guest-lectured at a Surrey high school for grade 12 students. Conducted numerous training sessions for local RCMP. Participated in community forum regarding the implementation of Bill C-2.

Terry Lawrence: Presentation to the Chetwynd RCMP detachment on impaired charges. Participated in a public forum on the local "Drug free zone".

Steve Lawhead: Participated in training session for RCMP, as well as a one-day discussion on reorganization of detachments and role of Crown counsel. Presentation at Sahali Secondary School to the Law 12 class on the role of Crown counsel.

Stephanie Lee (Systems Manager): Met with the Chinese prosecution delegates.

Garth Loeppky: Participated as an actor in a play entitled "Counsellor-At-Law" at the Stanley Industrial Alliance Stage with proceeds donated to the Downtown Eastside Women's Residence and the Alzheimer's Society. Performed the role of "The Bomb Expert" in the demonstration of legal technologies used in the Air India prosecution as staged at the BC Law Society "Pacific Legal Technologies" conference and the National Canadian Bar Association Conference. Participated as a band member in the Battle of the Bar Bands in raising money for the Lawyer's Assistance Program.

Christine Lowe (on behalf of the Branch): Hosted a delegation of prosecutors from the Republic of China.

Christie Lusk: Participated as an actor in a play entitled "Counsellor-At-Law" at the Stanley Industrial Alliance Stage with proceeds donated to the Downtown Eastside Women's Residence and the Alzheimer's Society.

APPENDIX A

Andrew MacDonald: Mentored SFU criminology student. Hosted high school student groups at Courtwatch Sessions with the Law Courts Education Society program.

Alexander (Sandy) MacDonell: Met with police non-commissioned officers on an informal basis to determine how things are going. Meet with RCMP on a formal basis once or twice a year to discuss matters of interest to both Crown and police. Annually attend or hold formal seminars for the police on legal issues (usually search related), as well as speak to students about Crown counsel work.

Brian MacFarlane: Volunteers as a supervising lawyer for the UBC criminal law clinic.

Neil Mackenzie: Provided Canadian Legal Education with checklists for criminal procedures and judicial interim release.

Beverly MacLean: Currently writing a topic for the Canadian Legal Education evidence text that Greg Fitch is helping to coordinate. Working on a project for Law Courts Education Society; directed at the high school level. Speaker at a community protection conference last February; at an ISPIN (Integrated Sexual Predator Intelligence Network) seminar at the Justice Institute; and on examination in chief at Professional Legal Training Course for articling students.

Fran MacLean: Explains the role of Crown to school groups as a participant with Law Courts Education Program.

Ross McLeod: Is a guest-lecturer for the Investigators Course at Pacific Regional Training Centre and the criminology course taught at University College of the Fraser Valley.

Mike Mahoney: Participated as a band member in the Battle of the Bar Bands, which raised money for the Lawyer's Assistance Program.

Maryam Majedi (Victim/Witness Manager): Met with the Chinese prosecution delegates.

Allan Mandell: Participated as a band member in the Battle of the Bar Bands, which raised money for the Lawyer's Assistance Program.

Marlene Mann: Made a presentation at Sahali Secondary School to the Law 12 class on the role of Crown counsel.

Jenny Manton (Director, Management Services): Met with Chinese prosecution delegates.

Gordon Matei: Guest practice judge for the Gale Mooters.

Andrew Mayes: Presentation to the World University Service of Canada and representatives of the Rule of Law section of the Canadian Internationaly Development Agency (CIDA) in Ottawa. Presentation to the Criminal Justice Diploma Program at the College of the Rockies about living and working in Kosovo. RCMP seminar on "search and seizure" issues re specific local issues of concern to the detachments present.

Brendan McCabe: Volunteered and raised funds for Triage Emergency Services and the First United Church Homeless Shelter Program in the Downtown Eastside.

Susan McCallum: Coordinates and mentors articled students plus university and college students who perform practicums with Region 3. Conducted seminar with local probation office. Involved in police and JUSTIN training seminars.

Bob McIntosh: Donates time to the Law Courts Education Society Community Outreach Program.

Shirley Meldrum: Met with police non-commissioned officers on an informal basis to determine how things are going. Meet with RCMP on a formal basis once or twice a year to discuss matters of interest to both Crown and police. Annually attend or hold formal seminars for the police on legal issues (usually search related), as well as speak to students about Crown counsel work.

Margaret Mereigh: Coached the Burns Moot competition (one of her students won the competition). Organized mock trial for the Pacific Legal Technology Conference through the Law Society.

Teresa Mitchell-Banks: Serves on the organizing committee of the Professional Legal Training Course for articling students. Involved in the UBC Gale Moot. Teaches the UBC Advocacy & Ethics course. Lectures before the Certified Fraud Examiners on Production Orders. Provides training sessions on Production Orders and bank documents for the RCMP. Lectures at the JJP re Production Orders. Met with the Chinese delegation. Mentors UBC law students. Involved with the International Association of Financial Crime Investigators.

APPENDIX A

Public Education & Community Outreach *continued*

Daniel James Mulligan: Engaged in a candid, productive exchange of ideas on legal issues arising out of the drinking-driving investigation, drunk driving causing death, etc., with the police at the Oceanside RCMP Detachment.

Daniel L. Mulligan: Volunteers with the Law Courts Education Society Community Outreach Program. Was a panellist for the Continuing Legal Education's Criminal Practice 2006; and wrote and presented papers, including "Bail Court Practice."

Kathy Murphy: Volunteers with the Law Courts Education Society Community Outreach Program. Member of the board of directors of the Vancouver Resource Society. Assists with advocacy training for UBC law students.

Andrea Nash (Office Manager): Contributed to the organization of the Chinese prosecution delegation visit.

Gerri-Lyn Nelson: Conducted bi-monthly training sessions for new police officers from Richmond and University RCMP detachments, including an entire day of hands-on impaired driving training and a general investigation training day.

Peter Ng: Involved in police training seminars.

Barry Nordin: Attended a variety of social gatherings sponsored by the Fort Nelson First Nation including Treaty Days, weekly elders' luncheons, and summer barbecues. Participated in formal meetings with a variety of aboriginal committees including the Fort Nelson First Nation Policing Committee and the Taku River Tlingit Risk Management Team. Met twice with the Northern Rockies Regional Council to discuss community criminal justice issues. Participated in an on-air call-in radio program with the mayor of Fort Nelson and the Fort Nelson RCMP S/Sargeant to discuss justice issues. Participated in a day-long forum on substance abuse at the local secondary school. Attended monthly meetings of Action North, a non-profit society devoted to addressing social problems in Fort Nelson. Conducted a variety of seminars and workshops with the Fort Nelson RCMP.

Wayne Norris: Guest-lectured for RCMP Junior Investigators Course at Pacific Regional Training Centre. President of Chapter BC V Blue Knights International Law Enforcement Motorcycle Club. Chairman of the regional committee of Cops for Cancer, Tour de Valley Canadian Cancer Society. Police motorcycle escort co-ordinator.

Laureen Nowlan-Card: Assisted with the ministry program for articling students.

Jonathan Oliphant: Participated in training session to RCMP.

Maggie O'Shaughnessy: Represented the CJB as Crown counsel in the first community conference pursuant to the *Youth Criminal Justice Act,* held at North Vancouver Provincial Court.

Marion Paruk: Panellist, and wrote and presented papers for the Continuing Legal Education's Criminal Practice 2006. Met with Deputy Procurator General and other procurators from various cities in the Jilin Province of the People's Republic of China to discuss Canadian criminal procedure and evidence.

Crichton Pike: Volunteers with the Law Courts Education Society Community Outreach Program. Provided training to Burnaby RCMP.

Daniel Porte: Volunteers with the Law Courts Education Society Community Outreach Program.

Lee Porteous: Assisted with the ministry program for articling students. Partnered with W. van Tongeren Harvey for the development and presentation of educational materials towards the implementation of Bill C-2 for both internal (staff, government) and external groups (local bar associations, community groups).

Marie-Sophie Poulin: Engaged in a candid productive exchange of ideas on legal issues arising out of drinking-driving investigations, drunk driving causing death, etc., with the police at the Oceanside RCMP Detachment.

Jennifer Power (on behalf of the Branch): Hosted a delegation of prosecutors from the Republic of China.

Geordie Proulx: Donates time to the Law Courts Education Society Community Outreach Program. Was a panellist, and wrote and presented papers for the Continuing Legal Education's Criminal Practice 2006.

Mark Rankin: Spoke at the 2005 Security Officers Seminar - Risk Management Department, Credit Union Central of British Columbia.

APPENDIX A

Region 1 - Victoria/Colwood: Crown counsel have participated as guest speakers/lecturers at: the Bank Fraud Seminar hosted by Victoria City police, the RCMP Fraud Investigation Training Course, Camosun College and various high schools; as well as coaches of the Advocacy Team at the Uvic Law School and participants in drug research programs for youth.

Region 2 - Regional Office: A number of senior Crown counsel have dedicated their time and energy in assisting students who have participated in the Trial Advocacy Moot competition known as the "Peter Burns Moot." Provided a criminology student with opportunities to observe and participate in different types of criminal prosecutions. Assisted a prosecutor from the Haidian District Prosecutors' Office in Beijing, China, who came to Vancouver to research and write a paper about how CJB deals with domestic violence cases plus assisted the prosecutor in making contact with Fraser Region, and facilitated contact with the Vancouver Police Department for the purpose of setting up meetings to determine how the VPD respond to domestic violence cases. Provided a presentation to a delegation of 14 senior prosecutors from China in relation to cases involving domestic violence. Participated in teaching, provided papers and lead seminars, at various courses offered by Continuing Legal Education, the People's Law School, and various public and private schools as well as community-based organizations such as Pathfinders (senior Girl Guides).

Region 2 - Richmond: Crown counsel, on days free from court, conducted bi-monthly training sessions for new police officers from Richmond and University RCMP detachments, including an entire day of hands-on impaired driving training and a general investigation training day.

Region 2 - Youth Court: A number of senior Crown counsel are involved with various community groups that have youth and the law as their focus. Have also appeared as panellists or speakers, or have participated as committee members for the Vancouver School Board, the Youth Forensic Psychiatric Commission, and the City of Vancouver's Youth and Family Justice Committee under the Restorative Justice Initiative. Worked with school liaison police officers. All Crown counsel have worked with the Law Courts Education Society, and have commited time to speaking to groups of students who attend elementary and high school programs on youth and the law (approximately once per week).

Region 3 - Abbotsford: Participated in local Violence Against Women In Relationships and Sto:lo Justice Committee meetings. Provided training with Abbotsford Police and Mission RCMP. Supervised practicum students from University College of the Fraser Valley. Provided speakers for the Courts Education Network.

Region 3 - Chilliwack: Support and assistance to the Courthouse Legal Education Society. Hosts high school law students. Hosts University College of the Fraser Valley criminal justice students on practicums in criminal law. Actively teach RCMP and other police various aspects of criminal law at the Pacifice Regional Training Centre.

Region 5 - Terrace: All Crown attended the Police/National Parole presentation on long-term offenders.

Hank Reiner, QC: Committed time, from January to March 2006, as a supervisor for a criminology student doing a practicum with Crown as part of her studies with Simon Fraser University. With the assistance of a number of Crown counsel in Region 2, was able to provide the student with a variety of opportunities to observe and participate in different types of criminal prosecutions.

Bob Richardson: Participated at the National Joint Committee Workshop in Parksville.

Caroline Richardson: Member of the Executive of the Vancouver Bar Association and contributing author to the Canadian Legal Education on "Introducing Evidence at Trial."

Monte Ruttan: Donates time to the Law Courts Education Society Community Outreach Program.

Ann-Katrine Saettler: Lectured at the Professional Legal Training Course. Spoke with school children about the criminal law and the criminal justice system.

Winston Sayson: Surrey Office's student resource lawyer: supervises practicum students from the University of Fraser Valley and actively mentors new Crown counsel.

Alex Schmeisser: With Brian Fell, did a three-quarter day's presentation at the RCMP's Criminal Crash Investigation Team week-long training course; attended, answered questions, and offered input relevant to other presentations during the other days of the course. Attended youth and adult probation offices, and participated in sessions dealing with communications between offices and legal issues.

Public Education & Community Outreach *continued*

Shelley Smith: Judge for UBC first-year law moot exercises.

Susanne Smith Kerr: Conducted bi-monthly training sessions for new police officers from Richmond and University RCMP detachments, including an entire day of hands-on impaired driving training and a general investigation training day.

Andrea Spence: Volunteers monthly with the Law Courts Education Society Community Outreach Program. Working on a Continuing Legal Education publication involving disclosure of third party records.

Wendy Stephen, QC: Elected to a three-year term as a member of the executive committee of the International Association of Prosecutors. Regular guest-lecturer at Sandy Cunningham's advocacy course. Instructor at bylaw training courses held at the Justice Institute. Explains the role of Crown to school groups as a participant with Law Courts Education Program.

Lori Stevens: Standing Committee Member with Aboriginal Justice Liaison Committee. Lectures to the Downtown Business Association on combating crime in the community.

Steve Stirling: Travelled to Ahousaht and met with the Community Consultative Group, chiefs and counsel members on restorative justice programs and criminal issues in the community. Meets regularly with members of the RCMP.

James Swales: Speaks annually at a grade 12 law class, at the College of New Caledonia and at RCMP detachment meetings.

Mary Tait: Met with the Chinese prosecution delegates.

Joseph Temple: Addressed a primary school class about the role of the prosecutor. Lectured local RCMP recruits on the business of Impaired Driving Investigations twice. Participated a meeting of the local Community Resources Society Board on the topic of responses to relationship violence.On occasion, interviewed individual students who were passing through the court registry and sought to speak to a Crown counsel.

Brent Thompson (Branch Planner): Led the organizing of the Chinese prosecutors' visit.

Brad Tomlin: Participated at the National Joint Committee Workshop in Parksville.

Scott Van Alstine, QC: Guest-lecturer at Malaspina University College. Lectured to the Advocacy Class at the University of Victoria.

Michael Van Klaveren: Speaker at the Canadian Legal Education on the topic of "Proceeds of Crime". British Columbia's representative and speaker at the National Liaison Committee on the Proceeds of Crime. British Columbia's representative for the Working Group on Proceeds of Crime: Asset Sharing.

Wendy van Tongeren Harvey: Presenter at the Law and Psychology post graduate class at SFU on the topic of the expert witness in a criminal trial. Assisted a SFU PhD. student with the writing of paper on UN Guidelines on the Treatment of Children Witnesses in the Justice System. Main speaker and presenter for workshops at the public forum for Bill C-2 implementation. Presenter at two conferences for groups involved in counselling children who witness violence. Lectured on the integration of the BSAFER risk assessment process into the investigation and prosecution as well as the law of arrest and bail relevant to officers assessing release or bail hearing options in 'violence in relationships' cases. Partnered with Lee Porteous for the development and presentation of educational materials towards the implementation of Bill C-2 for both internal (staff, government) and external groups (local bar associations, community groups).

Adrienne Venturini: Met with Campbell River City Council members to discuss community safety.

Henry Waldock: Lectures to the Downtown Business Association on combating crime in the community. Maintains website on criminal law for police officers, which averages 20 hits a day. Director of Chilliwack Restorative Action and Youth Advocacy Association. Regular lecturer at Pacific Regional Training Centre (PRTC). Conducts training sessions at local police detachments. Worked with PRTC to produce training video on bail hearings.

Eileen Watson (Executive Coordinator): Organized hosting of the Chinese prosecution delegates.

Sandra Watson: Volunteered and raised funds for Triage Emergency Services and the First United Church Homeless Shelter Program in the Downtown Eastside.

Greg Weber, QC: Lectured on the subject of jury addresses at the UBC Law School.

Kimberly Wendel: Mentors a high school student through the YMCA mentoring program. Involved in police training seminars. Hosted high school student groups at Courtwatch Sessions with the Law Courts Education Society program.

Marnie Westbury: Provided officer training days (mock trials) for the Langley RCMP recruits.

Ian Wiebe: Participated as a Moot Judge for the Professional Legal Training Course for articling students. Provided assistance in a six-week prep course for articling students prior to writing the bar exam. Supervised a practicum criminology student from Malaspina University for three months.

Michelle Wray: Guest-lecturer at Pacific Regional Training Centre. Conducts training sessions at local police detachments.

Craig Yamashiro: Regular speaker at Surrey RCMP's Coaching In-Class Training for recruits. Took on role as new Crown trainer, and regularly meets with them.

Norman Yates: On behalf of the Law Courts Education Society, spoke to high school law classes and other groups from middle school students to seniors to court watch groups. Facilitated participation in the Kelowna Crown counsel office by local articled students. Guest instructor at local and district RCMP training sessions, from a one-day motor vehicle accident and impaired driving investigation course to impromptu sessions on preparation of Reports to Crown Counsel and investigative considerations related to warrants and evidence-gathering. Guest-lecturer on Environmental Law at Okanagan College. Presented paper at the 2005 Environmental Crown Counsel Conference.

Barry Zacharias: Guest speaker at University of Northern BC social worker class on the role of the Crown. With the Terrace office Crown, went to the Police/National Parole presentation on long-term offenders. Spoke to the Northwest Community College criminology class on the role of the Crown.

APPENDIX B

Crown Counsel Act [RSBC 1996] Chapter 87

Section

1 Definitions
2 Functions and responsibilities of the Criminal Justice Branch
3 Assistant Deputy Attorney General
4 Responsibilities of Crown Counsel
4.1 British Columbia Crown Counsel Association Agreement
5 Directions from Attorney General on specific prosecutions
6 Policy directive from Attorney General
7 Special prosecutors
8 Delay in publication

Definitions

1. In this Act:
"ADAG" means the Assistant Deputy Attorney General, Criminal Justice Branch;
"Branch" means the Criminal Justice Branch of the Ministry of Attorney General;
"offence" means an offence
(a) under the *Criminal Code* or any other enactment of Canada with respect to which the Attorney General of British Columbia may initiate and conduct a prosecution, and
(b) under an enactment of British Columbia.

Functions and responsibilities of the Criminal Justice Branch

2. The Branch has the following functions and responsibilities:
(a) to approve and conduct, on behalf of the Crown, all prosecutions of offences in British Columbia;
(b) to initiate and conduct, on behalf of the Crown, all appeals and other proceedings in respect of any prosecution of an offence in British Columbia;
(c) to conduct, on behalf of the Crown, any appeal or other proceeding in respect of a prosecution of an offence, in which the Crown is named as a respondent;
(d) to advise the government on all criminal law matters;
(e) to develop policies and procedures in respect of the administration of criminal justice in British Columbia;
(f) to provide liaison with the media and affected members of the public on all matters respecting approval and conduct of prosecutions of offences or related appeals;
(g) any other function or responsibility assigned to the Branch by the Attorney General.

Assistant Deputy Attorney General

3. (1) The ADAG is charged with the administration of the Branch and with carrying out the functions and responsibilities of the Branch under section 2.
(2) The ADAG is designated, for purposes of section 2 of the *Criminal Code*, as a lawful deputy of the Attorney General.

APPENDIX B

Responsibilities of Crown Counsel

4. (1) The ADAG may designate as "Crown counsel" any individual or class of individual who is lawfully entitled to practise law in British Columbia.
(2) Each Crown counsel is authorized to represent the Crown before all courts in relation to the prosecution of offences.
(3) Subject to the directions of the ADAG or another Crown counsel designated by the ADAG, each Crown counsel is authorized to
(a) examine all relevant information and documents and, following the examination, to approve for prosecution any offence or offences that he or she considers appropriate,
(b) conduct the prosecutions approved, and
(c) supervise prosecutions of offences that are being initiated or conducted by individuals who are not Crown counsel and, if the interests of justice require, to intervene and to conduct those prosecutions.
(4) The Attorney General may establish an appeal process under which law enforcement officials may appeal the determination of any Crown counsel or special prosecutor not to approve a prosecution.

British Columbia Crown Counsel Association Agreement

4.1 (1) In this section:
"BCCCA" means the British Columbia Crown Counsel Association, a society incorporated under the *Society Act*;
"Crown Counsel" means an individual described in section 4 (1) who is an "employee" as defined in section 1 of the *Public Service Act* but does not include
(a) the Assistant Deputy Attorney General
(b) the Director, Special Justice Programs
(c) the Executive Director, Criminal Justice Branch
(d) the Regional Crown counsel
(e) the Deputy Regional Crown counsel
(f) the Director, Criminal Appeals
(g) the Director, Legal Services
(h) the Communications Officer
(i) the Director, Policy and Legislation
(j) the Deputy Director, Commercial Crime
(k) the Deputy Director, Criminal Appeals, and
(l) the persons in other positions specified by agreement of the employer and the BCCCA.
"employer" means the government represented by the Public Service Employee Relations Commission.

(2) The BCCCA is the exclusive bargaining agent for all Crown counsel and is authorized to enter into agreements with the employer which must include all matters affecting wages or salary, hours of work and other working conditions, except the following:
(a) the principle of merit and its application in the appointment and promotion of employees, subject to section 4 (3) of the *Public Service Act*;
(b) a matter included under the *Public Sector Pension Plans Act*;
(c) the organization, establishment or administration of the ministries and branches of the government, except the effect of reductions in establishment of employees, which must be negotiated by the parties;

(d) the application of the system of classification of positions or job evaluation under the *Public Service Act*;

(e) the procedures and methods of training or retraining of all employees not affected by section 15 of the *Public Service Labour Relations Act*, other than training programs administered with a branch or ministry that apply to one occupational group only.

(3) The employer and the BCCCA must bargain collectively in good faith and make every reasonable effort to conclude agreements referred to in subsection (2).

Directions from Attorney General on Specific Prosecutions

5. If the Attorney General or Deputy Attorney General gives the ADAG a direction with respect to the approval or conduct of any specific prosecution or appeal, that direction must be:
(a) given in writing to the ADAG, and
(b) published in the Gazette.

Policy Directive from Attorney General

6. (1) If the Attorney General or Deputy Attorney General wishes to issue a directive respecting the Criminal Justice Branch policy on the approval or conduct of prosecutions, that directive must be given in writing to the ADAG and, in the discretion of the ADAG, may be published in the Gazette.

(2) If the Attorney General or Deputy Attorney General wishes to issue a directive respecting the administration of the Branch, that directive must, if requested by the ADAG, be given in writing and may, in the discretion of the ADAG, be published in the Gazette.

Special Prosecutors

7. (1) If the ADAG considers it is in the public interest, he or she may appoint a lawyer, who is not employed in the Ministry of Attorney General, as a special prosecutor.

(2) A special prosecutor must carry out his or her mandate, as set out in writing by the ADAG, and in particular must
(a) examine all relevant information and documents and report to the ADAG with respect to the approval and conduct of any specific prosecution, and
(b) carry out any other responsibilities respecting the initiation and conduct of a specific prosecution.

(3) If the ADAG appoints a special prosecutor, the ADAG must advise the Deputy Attorney General
(a) that a special prosecutor has been appointed, and
(b) the name of the special prosecutor.

(4) If, after a special prosecutor receives the mandate under subsection (2), the Attorney General, Deputy Attorney General or ADAG gives a direction to a special prosecutor in respect of any matter within the mandate of the special prosecutor, that direction must be given in writing and be published in the Gazette.

(5) Subject to the mandate given to the special prosecutor by the ADAG or to a directive referred to in subsection (4), the decision of a special prosecutor with respect to any matter within his or her mandate is final, but a decision not to approve a prosecution may be appealed by a law enforcement officer under the process established by section 4 (4).

Delay in Publication

8. (1) The Attorney General, Deputy Attorney General or ADAG may direct publication in the Gazette of those matters referred to in section 5 or 7 be delayed if to do so would be in the interests of the administration of justice.

(2) A delay under subsection (1) must not extend beyond the completion of the prosecution or matter or any related prosecution or matter.

APPENDIX C

Criminal Justice Branch Business Plan 2005/06 - 2007/08

Goal 1 – A Criminal Justice Branch whose prosecutions are fair, appropriate, and timely

Objective 1.1 – The Criminal Justice Branch will conduct criminal prosecutions and appeals over the next three years in a timely manner.

Objective 1.2 – The Criminal Justice Branch will conduct appropriate and fair criminal prosecutions and appeals over the next three years.

Goal 2 – A Criminal Justice Branch that provides strong support for the prosecution function

Objective 2.1 – The Criminal Justice Branch will provide practical assistance to lawyers and administrative staff throughout the Branch.

Objective 2.2 – The Criminal Justice Branch will examine the use of paralegals to support the prosecution function and enhance meaningful career paths for administrative personnel.

Goal 3 – A Criminal Justice Branch that is a learning organization

Objective 3.1 – The Criminal Justice Branch will provide training and information-sharing opportunities for all Branch members over the next three years.

Objective 3.2 – The Criminal Justice Branch will increase leadership and management skills in the organization over the next three years.

Goal 4 – A Criminal Justice Branch that is a safe, secure, healthy and productive place to work

Objective 4.1 – The Criminal Justice Branch will provide as physically secure workplace for all Branch members as possible.

Objective 4.2 – The Criminal Justice Branch will promote a healthy workplace for its members.

Objective 4.3 – The Criminal Justice Branch will continue to strive to allocate its workload resources fairly across all Branch regions and departments over the next three years.

Objective 4.4 – The Criminal Justice Branch will recognize the achievements of its members.

Objective 4.5 – The Criminal Justice Branch will improve the security of its electronic information.

Objective 4.6 – The Criminal Justice Branch will produce an annual report, an internal newsletter, and a daily news summary to all Branch members, and continue enhancing its intranet site.

Objective 4.7 – The Criminal Justice Branch will produce a new three-year business plan in 2005 with a new planning committee structure that balances planning continuity and new and innovative ideas.

Objective 4.8 – The Criminal Justice Branch will contribute annually to the Ministry Service Plan and Ministry Service Plan Report and to the Government Annual Report.

Objective 4.9 – The Criminal Justice Branch will participate over the next three years in development of the Ministry's Public Accountability Framework.

Objective 4.10 – The Criminal Justice Branch will develop a Management Information System strategy.

Objective 4.11 – The Criminal Justice Branch will revise its business continuity plan over the next three years.

Goal 5 – A Criminal Justice Branch that is a leader in law reform and innovative justice processes

Objective 5.1 – The Criminal Justice Branch will promote law reform over the next three years through internal activities and through leadership and active membership in provincial, national and international organizations.

Objective 5.2 – The Criminal Justice Branch will develop innovations over the next three years in the use of technology, new organizational structures, and best practices.

Goal 6 – A Criminal Justice Branch that provides consistently high-quality and effective criminal law legal advice to government

Objective 6.1 – The Criminal Justice Branch will provide high-quality and effective legal advice on criminal law, including in constitutional law, to the Deputy Attorney General, the Attorney General, and other government departments over the next three years.

continued...

Criminal Justice Branch Business Plan 2005/06 - 2007/08 *continued...*

Goal 7 – A Criminal Justice Branch that contributes to the legal education of the public

Objective 7.1 – The Criminal Justice Branch will work on its own and with justice partners such as the Law Courts Education Society over the next three years to educate the public about the justice system and the Branch's mandate and activities.

Objective 7.2 – The Criminal Justice Branch will provide accurate, timely information on prosecutions to the media.

Objective 7.3 – The Criminal Justice Branch will launch an Internet site to provide appropriate and timely information to the public about the Branch's role, its policies and prosecutions.

Objective 7.4 – The Criminal Justice Branch will publish its Crown Counsel Policy Manual on the Ministry of Attorney General's Internet site.

APPENDIX D

Criminal Justice Branch Assistant Deputy Attorney Generals

Note: Neil McDiarmid was the Director, Criminal law for the Province from 1967 until 1978 when he was appointed Assistant Deputy Attorney General of the Criminal Justice Branch.

Neil McDiarmid, appointed 1978

Alan Edward Filmer, appointed May 8, 1981

Dennis Thomas Robert Murray, appointed April 1, 1986

William F. Stewart, appointed October 17, 1990

Ernie Quantz, appointed June 23, 1993

Austin Cullen, appointed April 13, 2000

Robert W. G. Gillen, appointed March 23, 2001

APPENDIX E

Ministry of Attorney General: Vison, Mission, Culture & Values Statement

Vision

A province governed by the rule of law with an effective justice system serving all British Columbians.

The Rule of Law

The rule of law is a fundamental principle in a free and democratic society. It guarantees that law is supreme and that the exercise of public power requires a source in some legal rule. It shields individuals from arbitrary action.

Mission

We are responsible in government for law reform, for the administration of justice and for seeing that public affairs are administered in accordance with the law.

Our goals are:

1. A Ministry that is a leader in law reform and innovative justice processes.
2. An effective criminal justice system.
3. An effective civil justice system.
4. Effective legal services enabling government to administer public affairs in accordance with the law.

The Unique Role of the Attorney General

The Attorney General is the Law Officer of the Crown and has a unique role in government as the person who must see that the public affairs are administered in accordance with the law.

APPENDIX E

Culture and Values

We are dynamic and innovative leaders in justice and public administration.

Our values and operating principles are:

1. To be performance and service focused.

2. To honour members of the Ministry and support them in their learning and development.

3. To act with professional integrity, independent from interference.

4. To be forthright and strategic.

5. To be collaborative and inclusive within the justice system and with the public that we serve.

6. To adhere to the core values of the BC public service, namely integrity, accountability, responsibility, respect and fostering innovation in providing services.

Independence in the Justice System

A free and democratic society based on the rule of law requires a justice system where decisions are made independently and free from interference. Justice system participants must act according to law and policy without being improperly influenced from outside sources or other participants in the system. Perhaps the clearest expression of independence is the independence of judges, who must be free to adjudicate cases without interference. Similarly, other participants in the justice system, such as police and Crown Counsel, must also make decisions free of interference or control by others. This independence ensures a fair system. It operates for the benefit of society and not the participating components of the system.

Equally, the justice system must serve the public interest and be open to public scrutiny to ensure that it does indeed serve the public interest. Justice system components must work together, recognizing the interdependence of the system without compromising the core principle of independence.

BRITISH COLUMBIA | Ministry of Attorney General

Criminal Justice Branch
Headquarters
PO Box 9276 Stn Prov Govt
Victoria BC V8W 9J7